

ation by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4436. Also, petition of Leo Lebrun, of Rockland, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4437. Also, petition of George Thibodeau, of Lewiston, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4438. Also, petition of Joseph F. Currier, of Rockland, Maine, and other citizens, protesting against consideration by Congress of the Bryson bill, H. R. 2082, which would impose complete prohibition for the duration of the war; to the Committee on the Judiciary.

4439. By Mr. FORAND: Resolution of the City Council of the City of Providence, R. I., opposing the enactment of House bill 2082, a bill to reduce absenteeism, conserve manpower, and speed production of material necessary for the winning of the war; to the Committee on the Judiciary.

4440. Also, joint resolution of the General Assembly of the State of Rhode Island, requesting the Senators and Representatives from Rhode Island in the Congress of the United States, to use their earnest efforts to have enacted into law a satisfactory measure to authorize the erection of a permanent United States veterans' hospital in the State of Rhode Island; to the Committee on World War Veterans' Legislation.

4441. By Mr. SCHIFFLER: Petition of the secretary of the legislative committee of Local Union No. 1248, Congress of Industrial Organizations, City Bank Building, Wheeling, W. Va., urging the passage of the Green-Lucas soldier vote bill and the defeat of the Eastland bill; to the Committee on Election of President, Vice President, and Representatives in Congress.

4442. By Mr. ENGEL of Michigan: Petitions signed by Fred Kundrata, chairman of the legislative committee of the Muskegon Trades and Labor Council, Muskegon, Mich., and 76 others, favoring the subsidy program; to the Committee on Banking and Currency.

4443. By the SPEAKER: Petition of the city clerk of Boston, Mass., petitioning consideration of their resolution with reference to national lottery; to the Committee on the Judiciary.

SENATE

MONDAY, JANUARY 24, 1944

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God our Father, Thou hast housed us in a universe where all is love yet all is law. Morning by morning, Thou bringest Thy judgments to light and we behold both Thy goodness and Thy severity. In devastating events Thy wayward children are reaping the bitter harvest of Thy broken laws. The penalties which wreck our world are telling us that in Thy all-embracing love there are rays of wrath as well as of mercy. In a rocking and reeling earth Thou art teaching us by tragedy that every purpose and policy that is alien from love and based on selfishness is already sentenced to death, because it is resisting the supreme power.

As we see the tragic consequence of our self-will which spoils the splendor of life for others, of our complacent acquiescence of privilege which robs others of their birthright, give us honesty to see and face our sins against our own souls, against our fellowmen, and Thee. Across the havoc of our selfishness may we find a path of discipline and sacrifice leading to a penitent peace that will be a Land of Beginning Again, where with chastened hearts we may build a new home for Thy children after the pattern of Thy purpose and Thy law. We ask it in the dear Redeemer's name. Amen.

ATTENDANCE OF SENATORS

ALBERT B. CHANDLER, a Senator from the State of Kentucky, D. WORTH CLARK, a Senator from the State of Idaho, and ELLISON D. SMITH, a Senator from the State of South Carolina, appeared in their seats today.

THE JOURNAL

Mr. BARKLEY. I ask unanimous consent that the Journal of the proceedings of the last session of the Senate be approved without reading.

Mr. TAFT. Mr. President, reserving the right to object, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Ferguson	Nye
Andrews	George	O'Daniel
Austin	Gerry	O'Mahoney
Bailey	Gillette	Overton
Ball	Green	Radcliffe
Bankhead	Guffey	Reed
Barkley	Gurney	Revercomb
Bilbo	Hatch	Reynolds
Brewster	Hawkes	Robertson
Bridges	Hayden	Russell
Brooks	Hill	Scruggs
Buck	Holman	Shipstead
Burton	Johnson, Colo.	Smith
Bushfield	Kilgore	Stewart
Butler	La Follette	Taft
Byrd	Lodge	Thomas, Idaho
Capper	Lucas	Thomas, Okla.
Caraway	McCarran	Thomas, Utah
Chandler	McClellan	Truman
Chavez	McFarland	Tunnell
Clark, Idaho	McKellar	Tydings
Clark, Mo.	Maloney	Vandenberg
Connally	Maybank	Wallgren
Danaher	Mead	Wheeler
Davis	Millikin	Wherry
Downey	Moore	White
Eastland	Murdock	Willis
Ellender	Murray	Wilson

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

The Senator from Florida [Mr. PEPPER], the Senator from New Jersey [Mr. WALSH], and the Senator from Indiana [Mr. VAN NUYS] are detained because of slight illnesses.

Mr. WHITE. The Senator from Oregon [Mr. McNARY] is absent because of illness.

The Senator from New Hampshire [Mr. TOBEY] is absent on public business.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

Mr. BARKLEY. Mr. President, I renew my request that the Journal of the proceedings of the last session of the Senate be approved without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Journal of the proceedings of the calendar day Friday, January 21, 1944, is approved.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on January 21, 1944, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 184. An act to provide for the presentation of silver medals to certain members of the Peary Polar Expedition of 1908-9;

S. 653. An act for the relief of Johnny Newton Strickland;

S. 1090. An act for the relief of John Henry Miller, Jr.;

S. 1488. An act to authorize the secretary of the Interior to convey to Jesse C. Romero all right, title, and interest of the United States in a certain described tract of land within the Carson National Forest N. Mex.; and

S. J. Res. 108. Joint resolution making an appropriation for contingent expenses of the Senate.

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the joint resolution (S. J. Res. 108) making an appropriation for contingent expenses of the Senate.

FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Foreign Relations:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, showing all receipts and disbursements on account of refunds, allowances, and annuities for the fiscal year ended June 30, 1943, in connection with the Foreign Service retirement and disability system as required by section 26 (a) of an act for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor, approved February 23, 1931, as amended.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, January 24, 1944.

[Enclosure: Report concerning retirement and disability fund, Foreign Service.]

PROHIBITION OF LIQUOR SALES AROUND MILITARY CAMPS—ADVERTISEMENT OF ALCOHOLIC BEVERAGES—PETITIONS

Mr. BURTON. Mr. President, I present for appropriate reference petitions of sundry citizens of Springfield and New

Carlisle, Ohio, praying for the enactment of Senate bill 860, to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States; Senate bill 569, to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes, and Senate bill 882, to prohibit the paid advertising of alcoholic beverages by radio in certain circumstances, and for other purposes.

THE VICE PRESIDENT. The petitions presented by the Senator from Ohio will be referred to the Committee on Military Affairs.

FEDERAL AID FOR EDUCATION—LETTER FROM SUPERINTENDENT OF SCHOOLS AND RESOLUTION OF BOARD OF EDUCATION, SIMSBURY, CONN.

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be inserted in the body of the RECORD and appropriately referred a letter which I have received from Mr. Henry James, superintendent of schools, Simsbury, Conn., and a resolution adopted by the Simsbury Board of Education disapproving the bill (S. 637) to authorize the appropriation of funds to assist the States and Territories in more adequately financing their systems of public education during emergency, and in reducing the inequalities of educational opportunities through public elementary and secondary schools.

There being no objection, the letter and resolution were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

SIMSBURY PUBLIC SCHOOLS,
Simsbury, Conn., January 20, 1944.
Senator FRANCIS T. MALONEY,
Washington, D. C.

DEAR SENATOR MALONEY: I am enclosing copy of a resolution passed by the Simsbury Board of Education at its last regular meeting supporting the stand you took in regard to Senate bill 637.

We are of the opinion that you will probably be swamped with petitions and letters from various educational groups in the State urging you to vote in favor of the passage of this bill.

Regardless of the action of the Connecticut Association of School Superintendents and the Connecticut State Teachers Association there are still rugged individualists, perhaps in a minority, who believe that we should pay our own way from local funds and not expect a hand-out from the Federal Government.

Respectfully yours,

HENRY JAMES,
Superintendent of Schools.

Whereas the Simsbury Board of Education does not approve of Senate bill 637, Federal subsidy of education, because it believes—

1. That education is not a Federal function.
2. That Federal aid for education will destroy local self-government in education and eventually result in Federal control: Be it

Resolved, That the action of Senator JOHN A. DANAHER and Senator FRANCIS T. MALONEY in voting against this bill be endorsed, and that they be encouraged further to oppose any attempt to have this bill passed at this session of Congress; and be it further

Resolved, That a copy of this resolution be sent to each respective Senator from Con-

necticut and one copy spread upon the minutes of the meeting of the Simsbury Board of Education.

ORGANIZATION OF THE CONGRESS—EDITORIAL FROM WASHINGTON POST

Mr. MALONEY. Mr. President, I also ask unanimous consent that there may be inserted in the body of the RECORD, and appropriately referred, an editorial from the Washington Post of yesterday, Sunday, January 23, 1944, entitled "Study of Congress."

I present this article in connection with Senate Concurrent Resolution 23, which I submitted on November 9, 1943, and which was referred to the Senate Committee on Rules.

There being no objection, the editorial was referred to the Committee on Rules and ordered to be printed in the RECORD, as follows:

STUDY OF CONGRESS

Congress has reacted very slowly to the efforts to modernize its machinery and reorient it in our present system of big government. All the outstanding reforms suggested by Members and critics of Congress are yet to be accomplished. Yet the American Political Science Association's Committee on Congress believes that changes are on the way. In its third progress report the committee points out that modernization of Congress is now a topic of widespread discussion. There is a growing awareness that Congress will have to improve its methods of operation if it is to remain a great democratic legislature in the complicated post-war era. "Its ability to play its role successfully," as the committee points out, "will depend upon its willingness to appraise and modify not merely its internal machinery, methods, and customs, but the whole question of its place in our scheme of government, including its relations with the Executive, on the one hand, and with the people, on the other."

The committee visualizes Congress declining in public esteem and leadership if it attempts to carry its colossal burden of work without modernizing its machinery. That could mean only further shifting of responsibility and power to the President. Even if Congress goes half way with the reformers, it will have a difficult time arresting the decline of its powers. Mr. George B. Gallo-way and his fellow explorers in the wilderness of congressional custom, tradition, seniority, and habit do not want to stop at the half-way mark. They are urging Congress to reappraise the whole problem of a representative legislature "in an era of wide and expanding Federal powers."

What the experts seem to be saying is that Congress will have to modernize its own machinery or surrender more of its policy-making functions to the bureaucrats. Now, that is precisely what Congress wishes to avoid. So it should have the greatest possible interest in strengthening its own ability to act in the public interest. A few alert Members are working persistently toward this end, among them Representatives DIRKSEN, KEFAUVER, and MONROE, Senators LA FOLLETTE, MALONEY, and others. Some of them have proposed admirable specific reforms, such as a question period in the House for the heads of executive departments and the development of congressional research staffs. But by all odds the most hopeful measure on this subject is the Maloney-Monroe resolution to create a joint committee on ways and means of improving the organization and effectiveness of Congress.

In fairness to itself, we believe, Congress should hasten to get this study under way. The country cannot be saved from the ex-

trems of bureaucracy merely by hampering the President. Nor can it substitute positive and constructive policies for the present planless muddling on the domestic front unless Congress itself is organized to function as a modern, responsible policy-making body. We think it is time for Congress to take a long and critical look at itself, and the best possible beginning would be the designation of a handful of its most alert and forward-looking Members to launch such a study.

CONSUMER FOOD SUBSIDIES—RESOLUTION BY BELLVIEW GRANGE NO. 1655, FREDONIA, KANS.

Mr. CAPPER. Mr. President, I have just received copy of a resolution, adopted by Bellview Grange No. 1655, Patrons of Husbandry, Fredonia, Kans., which I believe is of interest in connection with the legislation to extend the life of the Commodity Credit Corporation. I read the resolution, which was formally approved January 12, 1944:

Resolved, That Bellview Grange goes on record as being opposed to subsidies and special crop parity payments for agriculture, but rather is in favor of fair prices which will guarantee cost of production and a fair profit for all farm commodities.

The resolution is certified by W. L. Fields, master, and Mrs. Marie Myers, secretary, of Bellview Grange.

I do not intend at this time to enter into a discussion of the consumer food subsidies; but I should like to say that I consider the consumer food subsidy program a most dangerous one for the Government to adopt.

In the first place, subsidies lay the groundwork for more inflation; they are not a brake against inflation at all. The reason is simple, and easily understood. Price inflation is caused by an increase in spending power going into a market where there is no corresponding increase in the supply of goods, or where there is a lesser supply of goods. The consumer food subsidy increases purchasing power; it does not increase production of commodities.

In the second place, it is thoroughly unsound to educate consumers to expect the Government to help pay their grocery bills, especially at a time when the national income is the highest on record; when wages and industrial incomes are the highest on record; when the percentage of the consumer's dollar spent for food—21 cents on the dollar—is the lowest in recorded history of this country. If it is necessary for the Government to subsidize the grocery bill under these conditions, what will be the situation when the national income drops, when there is unemployment? Can any administration drop the food subsidies, once they are firmly established?

In the third place, it is unfair to the generation of men and women in the armed services to load on them the cost of food consumed by war workers at home when the war workers are getting the highest salaries and wages and net incomes they ever have received. The idea of drafting men to fight for their country, and then creating a situation whereby when they come back to civil life they will have to help pay the grocery

bills of civilian workers—plus interest—is thoroughly repugnant to me.

In the fourth place, I hate to see this country turned into a Nation of Treasury subsidy addicts. Subsidies are a habit-forming economic drug, in my judgment.

Mr. President, I request that the resolution be appropriately referred.

The VICE PRESIDENT. The resolution presented by the Senator from Kansas will be referred to the Committee on Banking and Currency.

COMPLAINTS OF FARMERS—LETTER FROM HENRY FIELD

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred, a letter I have just received from Henry Field, of Shenandoah, Iowa, where he operates radio station KFNF and several other concerns.

Mr. Field is in as close touch with the farmers of the Corn Belt as anyone I know. He writes me what they are telling him, and I believe it is worth the while of every Senator to read his interesting and informative letter.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

SHENANDOAH, IOWA, January 18, 1944.

Senator ARTHUR CAPPER,

Senate Office Building, Washington, D. C.

FRIEND CAPPER: At my desk here in the seedhouse I meet literally hundreds of farm men and women every day, and lots of them sit down at my desk and tell their troubles. I seem to be a very popular "wailing wall" for the farm folks.

I think it would interest you to know just what their particular troubles are at this time. I know that unasked advice is worth just about what it costs, which is nothing at all, but I am going to take a chance on it and stick my neck out by offering a little free advice.

They seem to have two outstanding troubles just now. I don't know whether you would call them particularly troubles, but anyway things they are inclined to do a lot of grumbling about, and things that they wish you, or some other smart man, would fix up.

First and foremost is the strike situation. They are intensely bitter about strikes. I don't think I have ever seen them as bitter about anything as they are about industrial strikes right now. They have been working long hours in all kinds of weather, often as much as 14 or 16 hours a day, and that includes everybody on the place from 10-year-olds to 80-year-olds with no chance to get help from the outside, or if they do get help it's a pretty poor class of help, something that the industrial centers won't have at any price. They get no 40-hour week, nor any time-and-a-half overtime, nor double time for Sunday, and then to hear about these strikes in the industrial centers, it makes them see red, or some other dangerous color, and they are going to go all out for anybody who will show some signs of cracking down on that situation and will have the nerve to go ahead with it.

Their other main trouble is this terribly complicated income-tax form, which they have just received within the last few days. I don't see how they are ever going to get it filled out correctly. They are perfectly willing to pay an income tax, and they would do it cheerfully if there was some more simple and clear way to figure it out. To try and figure out one of these present tax forms is

enough to drive a man crazy, and it's going to be a very real and increasing source of irritation and resentment. They are going to blame it mostly on Congress, too. I realize, of course, that the Treasury Department and a lot of other people are mixed up in it, but they blame it mostly on the Congress, and it's you fellows who are going to catch the seven kinds of hell they are going to give you about it. There are several other sore spots, but these two are the real urgent ones right now.

The egg price situation and the hog situation are getting worse all the time, and are liable to move up along with these two before the next 2 months are over, but that's another story.

Now, I don't suppose that anything can be done about these troubles, but I just thought I would tell you about them.

Yours truly,

HENRY FIELD.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. BREWSTER introduced Senate bill 1662, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. McCARRAN:

S. 1663. A bill to amend the Civil Service Retirement Act of May 29, 1930, with respect to the credit to be allowed for military or naval service performed after September 16, 1940, and prior to the end of 6 months after the termination of hostilities in the present war; to the Committee on Civil Service.

By Mr. DOWNEY:

S. J. Res. 111 (by request). Joint resolution to authorize the equitable adjustment of the wages and salaries of employees of the United States; to the Committee on Civil Service

DEFERMENT OF REGISTRANTS ENGAGED IN TIMBER OR PULPWOOD LOGGING OPERATIONS

Mr. BREWSTER. Mr. President, I introduce for appropriate reference a bill to amend the Selective Training and Service Act of 1940, as amended, to defer registrants engaged in timber or pulpwood logging operations, and I ask unanimous consent that a brief statement relating to the bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 1662) to amend the Selective Training and Service Act of 1940, as amended, to defer registrants engaged in timber or pulpwood logging operations was read twice by its title and referred to the Committee on Military Affairs.

The statement presented by Mr. BREWSTER in connection with the bill is as follows:

CRITICAL SHORTAGE OF PULP AND PAPER PRODUCTS IMMINENT

From available information there is every indication that before the end of 1944 the country will be faced with a paper and paperboard shortage which will be catastrophic. Sixty percent of the paper and paperboard manufactured in this country has wood pulp as its principal fibrous constituent. Wood pulp is manufactured from pulpwood, and the principal difficulty confronting the pulpwood consuming industries is the shortage of manpower in the woods which has resulted

from the induction of trained woodsmen into the armed forces and the diversion of woods workers into various important industries, such as shipbuilding, airplane construction, and other similar industries.

During the year 1943 pulpwood inventories in the hands of consuming mills were decreased by approximately 25 percent and are now at a dangerously low level. Pulpwood received by the mills during 1943 was some 2,400,000 cords or 15 percent below the quantity received in 1942. More important, however, is the fact that according to reliable information available to me the pulpwood cut during 1943, which will comprise the bulk of the wood delivered during 1944, was some 30 percent below the quantity cut in 1942.

The situation varies between regions but is serious in all. In the Pacific Northwest several of the large market pulp mills which produce over 50 percent of the wood pulp available to the United States market have been down for many months. In the southern region, which is the center of the great kraft paper and board industry, many mills were forced to operate during the summer of 1943 at low operating ratios due to the shortage of wood, and in the Northeast and Lake States regions, where current wood operations are respectively 32 percent and 25 percent below operations in 1942, many mills are operating only part time. All of this adds up to a greatly reduced production of wood pulp at a time when Government, military, and essential civilian requirements for paper are at or near the highest level in the history of this country.

In an effort to conserve the use of wood pulp and pulpwood, practically all users of paper are subject to use limitation orders issued by the War Production Board. Newspapers, magazines, and other papers have been cut back in their use approximately 25 percent and this, if continued, constitutes a serious threat to our American free press. Over-the-counter items such as toilet tissues, paper towels, napkins, and similar sanitary grades of paper are in an increasingly tight situation. The consumption of wrapping paper, bags, and other mechanical papers has already been drastically reduced and further reductions are in prospect. A conservation program directed at Government, military, and industrial and household consumption of paper has been launched on a Nation-wide scale, but the saving in wood pulp accomplished through this measure will offer no adequate solution to this problem.

Every effort has been made to alleviate the manpower shortage in the woods by the use of prisoners of war, by the utilization of farmer-operated pulpwood and by other expedients. These measures have been only moderately successful, and it appears to be essential that Congress enact legislation and that the War Manpower Commission and the Selective Service System promptly issue appropriate regulations which will result in returning manpower to the woods.

CONTINUATION OF COMMODITY CREDIT CORPORATION—AMENDMENT

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (H. R. 3477) to continue the Commodity Credit Corporation as an agency of the United States, to revise the basis of annual appraisal of its assets, and for other purposes, which was ordered to lie on the table and to be printed.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES—AMENDMENTS

Mr. OVERTON submitted three amendments, and Mr. EASTLAND (for himself, Mr. McKellar, Mr. McClellan,

Mr. BANKHEAD, Mr. RUSSELL, Mr. OVERTON, Mr. BYRD, and Mr. BAILEY submitted an amendment intended to be proposed to the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, which were severally ordered to lie on the table and to be printed.

CONTINUATION OF AUTHORITY FOR GENERAL SURVEY OF INDIAN CONDITIONS

Mr. THOMAS of Oklahoma submitted the following resolution (S. Res. 243), which was referred to the Committee on Indian Affairs:

Resolved, That Senate Resolution 79, agreed to February 2, 1928, and continued by subsequent resolutions, authorizing the Committee on Indian Affairs, or any subcommittee thereof, to make a general survey of the condition of the Indians in the United States, hereby is continued in full force and effect during the Seventy-ninth Congress.

CONTINUATION OF SENATE SPECIAL SILVER COMMITTEE—GOLD AND SILVER PRODUCTION

Mr. THOMAS of Oklahoma submitted the following resolution (S. Res. 244), which was referred to the Committee on Banking and Currency:

Resolved, That Senate Resolution 187, agreed to August 16, 1935, as amended by motion on January 16, 1939, increasing the membership of the committee to nine Senators instead of five, and as further amended by Senate Resolution 261, agreed to June 29, 1942, authorizing a special committee of nine Senators, to confer with the Secretary of the Treasury relative to the administration, and the economic and commercial effect in the United States and abroad, of the Silver Purchase Act of 1934 (48 Stat. 1178), and to make a full and complete investigation with respect to the production, or the lack of production, of gold and silver in the United States and its Territories, etc., hereby is continued in full force and effect during the Seventy-ninth Congress.

"BOONDoggling, CHAPTER 2"—EDITORIAL FROM THE OMAHA WORLD-HERALD

Mr. WHERRY. Mr. President, I have in my hand an editorial entitled "Boondoggling, Chapter 2," from the Omaha (Nebr.) World-Herald of January 21, 1944. The basis of the editorial was, of course, the speech of the senior Senator from Nebraska [Mr. BUTLER], which he delivered in the Senate Chamber a few days ago. I should like to have the editorial printed in the body of the RECORD.

BOONDoggling, CHAPTER 2

To substantiate his earlier charges of boondoggling by the United States in South and Central America, Senator BUTLER has presented to the Senate an auditor's report by James A. Councilor & Co., certified public accountants of Washington, D. C.

The report does not pretend to be complete because, as the Senator says, "the sums of public money for which no public accounting is made are too vast. The technique of concealment is too well developed." But it does show that the expenditures, obligations, commitments, encumbrances, authorizations, loans, and extensions of credit by the United States for the years 1942, 1943, and 1944 have

now reached a total of at least \$5,733,933,534—without including the Canal Zone, Puerto Rico, the Virgin Islands, or any other Territory of the United States.

The total is mighty close to the round sum of \$6,000,000,000 first mentioned by the Senator, which administration spokesmen branded as 95 percent inaccurate.

No one would be so foolish as to intimate that all of the six billions, more or less, was wasted. Considerable sums were spent for military installations and other legitimate war purpose. But some of the items listed fill the reader with wonder. For example, these:

The \$778,982,997 advanced by the Export-Import Bank for various items, including financing handicraft projects and hat-manufacturing aid.

The \$75,000 put up for an experimental station in Ecuador, including recreational facilities, tennis courts, and swimming pool.

The \$28,200 for the Mexican fishery mission.

The \$12,500 to record folk music in other American republics.

The \$10,900 to survey collections of Latin-American music and preparation of bibliographies.

The \$29,000 for a guide to official publications of Latin America.

The \$39,993 for preparation of a handbook of the South American Indians.

Not to mention the \$100,000 for a convention for the promotion of inter-American cultural relations.

And ever so many more.

A good-neighbor policy? Maybe it is. But perhaps ordinary, hard-working citizens may be pardoned if they ask if this is the sort of thing President Roosevelt has in mind when he advocates a New Deal for the whole, wide world.

OUR DIPLOMATIC ARM—EDITORIAL FROM WASHINGTON POST

Mr. GILLETTE. Mr. President, under date of January 22, there appeared in the Washington Post a very interesting editorial entitled "Our Diplomatic Arm." While I am not in agreement with some of the criticism contained in the editorial and directed toward the reorganization of the State Department, yet there are some challenging and thought-provoking statements in the editorial, and I ask unanimous consent that it be printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OUR DIPLOMATIC ARM

Questions which are left in the wake of the Pravda article will not down. They have to do as much with American as with Russian policy. After the Moscow and Teheran Conferences the American public were given the impression that no misunderstandings on war or peace policy were left among the Allies. On this score the returning conferees filled the country with exhilarating confidence. The Allies "agreed on every point concerned with the launching of a gigantic attack on Germany" and with the treatment of Germany. They likewise agreed on the basic principles governing the peace. Without a doubt, Pravda has overclouded both claims. With a jolt the public now realizes that the basic principle of any relations has been endangered, namely, faith. At any rate, within less than a month of the conclusion of the Teheran parley the relations between Britain and America on the one hand and the Soviet Union on the other have become confused.

What seems to have happened at Teheran is that Britain and America listened to Mar-

shal Stalin's reiteration that the carving of his western frontier was not susceptible of discussion. The settlement was to be bilateral between Russia and the country concerned. We were left with the choice either of accepting or rejecting this stand. Evidently we did neither, but heard out the man in the Kremlin, who doubtless thought the issue had been disposed of. The issue, however, came up almost before the conferees had gotten home. And Moscow saw the Polish Government in exile talking it over with the British. It found itself put on the spot by the possibility of a public proffer of good offices from both Britain and America. We would venture the guess that Stalin imagined that at Teheran he had excluded such third-party intermeddling. The guess is also justifiable that we came back from Teheran with the same hope with which we went there, instead of translating it into a policy, say, local settlement.

Thus the confusion is all around. The moral is that we must iron out a policy on the specific problems in our foreign affairs as they are now envisaged. Otherwise the existing confusion will be dangerously compounded. We could ourselves think up Mr. Hull's 30 or 40 problems which he, but nobody else, has remitted for post-war consideration. For instance, the attitude of the Soviet Union over its western frontiers is likely to be repeated over its eastern frontiers. We must at least be prepared for that contingency. If we are any judge, Manchuria may become a problem child among the big powers, as Poland now is. From the standpoint of individual security Moscow has just as much reason to roll back the far eastern map as to roll back the eastern European map. It is all very well to entertain a hope that maybe Russia will consider future problems in terms of collective security. We must be prepared to consider what shall be done if she doesn't, and to argue our case into a common policy when the time comes for discussion. In other words, an American policy must be developed on the whole subject of the Russian frontier, among other subjects.

This brings us to the problem of the reorganization of our diplomatic machinery to cope with our constipation in respect to policy. A new world is being created de novo. One of the chief artificers is the United States. And this titanic task requires new staff work—just as the military effort required new staff work. It was fantastic to think that we could win the war with our peacetime General Staff. What has happened in this respect is a vast recruitment of expert personnel in the armed services and in the Office of Strategic Services topped by the Joint Chiefs of Staff Committee. That reorganization is helping us win the war. It was imaginatively and audaciously conceived. And Congress backed it with ample funds. The same metamorphosis on our diplomatic front is required in connection with the problem of winning the peace. What happened last week end at the State Department, however, was reorganization by way of phony finagling. The furniture inside was shifted around, and post-war advisory committees were set up in public though they had already been established in private.

The sequence of all good staff work, as we have found in military matters, is intelligence planning operations. Intelligence is an internal function. But there is no sign in the present plan that the State Department has gone outside its present ranks for the recruitment of experts, as the military have done. Planning may or may not be the function of the new advisory committees. We are in some doubt about this. The word "advisory" reminds us of the decoration in nomenclature that adorns the letter paper of eleemosynary institutions. Planning, not advisory, committees are what

we ourselves had suggested in our various pleas for reorganization. And the planners should be thoroughly representative of the country's best brain power, of course, but also of the legislative as well as the executive branch. After all, this new world we are called upon to build will one day have to be underwritten in the Senate. As Senator WILEY, with whose ideas on this subject we have often expressed agreement, has said, the Senate is lacking at present a liaison in information, let alone in planning. Operations, of course, can be guided by our experienced Foreign Service officers. Little expansion is needed in operations, though there should be more recognition of the new realities of diplomacy. The rapidity of modern communications is enabling governments more and more to bypass the diplomatists in the field. Thus the need for operational strength has shifted from the periphery to the center.

The urgency of a real reshuffle in the diplomatic arm in this dynamic world is acknowledged even in traditional Britain. There the liveliest discussion is going on around a proposal to set up a ministry of foreign policy, with separate departments for the day-to-day conduct of diplomacy, for overseas trade, for information. Each of these departments would be as big as the old Foreign Office. There is nothing phoney about the proposals which the British are now discussing. They are new, thoroughgoing, up to date. On the contrary, our country seems to be content with puttering with the same pattern. That is what the reorganization plan amounts to. It shows that the State Department is still tied to a dead-and-gone world in which even the submission of its own too small budget is regarded as slightly humiliating.

The subject is important enough to warrant the President in appointing a commission to study it and make recommendations, instead of letting it be handled by Foreign Service officers passing around fancy charts. How urgent is the need for the modernizing, strengthening, and rationalizing of our diplomatic arm is highlighted by the present crisis in eastern Europe. The people know nothing about our policy in the matter. They have had fine words, and these are now sounding hollow as they collide with harsh realities. We shall find wisdom if we begin with realities both in the formulation of policy and in the means of prosecuting it.

HIGH FINANCE—EDITORIAL FROM THE WASHINGTON POST

[Mr. McKELLAR asked and obtained leave to have printed in the *Record* an editorial entitled "High Finance," published in the *Washington Post* of January 22, 1944, which appears in the Appendix.]

VOTES FOR SOLDIERS

[Mr. LUCAS asked and obtained leave to have printed in the *Record* several editorials relating to votes for soldiers, which appear in the Appendix.]

AN INTERNATIONAL OFFICE FOR EDUCATION—ARTICLE BY GEORGE JOHNSON

[Mr. HATCH asked and obtained leave to have printed in the *Record* an article entitled "An International Office For Education," by George Johnson, which appears in the Appendix.]

NEW SLOGAN, NEW NAME—LETTER FROM ALVIN C. DICKOVER

[Mr. HOLMAN asked and obtained leave to have printed in the *Record* a letter from Alvin C. Dickover, published in the *Portland (Oreg.) Journal* of January 14, 1944, which appears in the Appendix.]

A ROAST IN EVERY POT—EDITORIAL FROM THE PORTLAND OREGONIAN

[Mr. HOLMAN asked and obtained leave to have printed in the *Record* an editorial en-

titled "A Roast in Every Pot," from the *Portland Oregonian* of January 19, 1944, which appears in the Appendix.]

THE ACOUSTICS OF THE SENATE CHAMBER

[Mr. TUNNELL asked and obtained leave to have printed in the *Record* a communication from a Washington resident dealing with the acoustics of the Senate Chamber, published in a recent issue of the *Washington Star*, which appears in the Appendix.]

THE GOOD-NEIGHBOR POLICY IN LATIN AMERICA—ARTICLE BY FRANK C. WALDROP

[Mr. WILLIS asked and obtained leave to have printed in the *Record* an article entitled "Snagged By the Record," written by Frank C. Waldrop, and published in the *Washington Times-Herald* of January 21, 1944, which appears in the Appendix.]

THINGS TO BE AVOIDED—LETTER FROM HERBERT WRIGHT TO THE NEW YORK TIMES

[Mr. DANAHER asked and obtained leave to have printed in the *Record* a letter entitled "Things to Be Avoided," written by Herbert Wright and published in the *New York Times* of January 23, 1944, which appears in the Appendix.]

THE CALENDAR

The VICE PRESIDENT. Morning business is concluded.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the calling of the calendar be dispensed with.

Mr. TAFT. Mr. President, I object.

The VICE PRESIDENT. Objection is made by the Senator from Ohio.

Mr. BARKLEY. If the calendar is to be called, Mr. President, I ask unanimous consent that the call begin where we left off previously, which would be Calendar No. 585, at the top of page 7, of the calendar.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. TAFT. Yes, Mr. President; I object. It seems to me that at the beginning of the session we ought to go back and call the entire calendar.

Mr. President, I do not want to be captious, but the rules of the Senate provide that the calendar should be called every Monday. It seems appropriate that it should be called every Monday, instead of being called at times when many of the Senators do not know that it is to be called. There are some important measures on the calendar which have been there since December, which I think should be considered, and I believe it would be agreeable to all concerned that they be considered. So I object.

Mr. BARKLEY. Mr. President, I appreciate the enthusiasm of the Senator from Ohio with respect to the calling of the calendar on Monday. The Senator has been a Member of this body for nearly 6 years, and I do not recall that he has ever heretofore objected to dispensing with the call of the calendar. I thoroughly understand the object of the Senator's objection. It is not his interest particularly in the calendar, but it is a desire to postpone or to bring about a parliamentary situation whereby the motion to take up the soldiers' voting bill may be postponed. I think the *Record* ought to show that this is the first time

the Senator from Ohio has ever objected to dispensing with the call of the calendar, and that he is doing it at this time in order to avoid a motion being made during the 2-hour morning period to proceed with the consideration of the soldiers' voting bill.

The VICE PRESIDENT. The clerk will call the first bill on the calendar.

Mr. TAFT. Mr. President, of course the rules of the Senate provide for the calling of the calendar. It does not seem to me that any Senator needs any excuse for asking that it be called. Certainly one of my purposes is to make the motion to take up the soldiers' bill debatable, which I think is a worthy purpose, because when the Senate has passed one bill on the same subject, and the subject is presented again, certainly the question whether we shall take up the time of the Senate again with the same subject should be debated. I see no reason for believing that the calling of the calendar will not be concluded before 2 o'clock so that the motion will not be debatable after it is concluded, but neither do I see any reason to set aside the regular procedure of the Senate provided in the rules in order to make the motion not debatable.

Mr. BARKLEY. The Senator is within his rights in objecting to the request I made. I simply wish the *Record* to show why the Senator has objected, and I assume from the Senator's remarks that he intends to oppose a motion to take up the bill even if it is made before 2 o'clock.

The VICE PRESIDENT. The clerk will call the first bill on the calendar.

BILLS AND OTHER MEASURES PASSED OVER

The bill (S. 40) to provide that the term of the Governor of Puerto Rico shall expire upon the enactment of this act and at the end of each 2-year period thereafter, was announced as first in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 403) for the relief of certain claimants who suffered losses and sustained damages as a result of the campaign carried out by the Federal Government for the eradication of the Mediterranean fruitfly in the State of Florida, was announced as next in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 675) to amend the Selective Training and Service Act of 1940, as amended, so as to extend the benefits of the Employees' Compensation Act, to conscientious objectors, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 19) to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims, which the Crow Tribe of Indians may have against the United States, and for other purposes," was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 168) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in any and all claims which the Confederated Salish and Kootenai Tribes of Indians of the Flathead Reservation in Montana, or any tribe or band thereof, may have against the United States, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 409) authorizing the Arapahoe and Cheyenne Indians or any band thereof to submit their claims against the United States to the Court of Claims, and for other purposes, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 670) conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Prairie Band or Tribe of Pottawatomie Indians of Kansas and Wisconsin against the United States, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 445) authorizing an appropriation for payment to the Osage Tribe of Indians on account of their lands sold by the United States was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 23) authorizing the western bands of the Shoshone Nation of Indians to sue in the Court of Claims, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 205) conferring jurisdiction upon the District Court of the United States for the Southern District of Florida, to hear and render judgment upon claims for damages resulting in the improvement of the Intracoastal Waterway, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 875) to provide for the preparation of high school students for wartime service, was announced as next in order.

Mr. BARKLEY and Mr. TAFT. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 26), authorizing the President to proclaim the Sunday before Memorial Day as a day for memorial services for deceased firemen, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 249) providing for taxation by the States and their political subdivisions of certain real property acquired for military purposes, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1106) to prohibit the allowance of credit in computation of lump-sum payments to Air Corps Reserve officers, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 25) proposing an amendment to the Constitution of the United States granting equal rights to men and women, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1120) to amend an act entitled "An act to provide for the posthumous appointment to commissioned or noncommissioned grade of certain enlisted men and the posthumous promotion of certain commissioned officers and enlisted men," approved July 28, 1942, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1088) to amend the Agricultural Act of 1938, as amended with respect to the sale of cotton held by or on behalf of the United States, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (H. J. Res. 108) commemorating May 15, 1943, as the anniversary of the inauguration of airmail service, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1046) to repeal section 2 of the act entitled "An act for the preservation of American antiquities," approved June 8, 1906, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 683) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States engaged in and about the construction of the Panama Canal, was announced as next in order.

Mr. BYRD. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1257) authorizing wartime construction and operation and maintenance of reclamation projects, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1272) to amend section 313 of the Federal Corrupt Practices Act, 1925, as amended, for the purposes of making the provisions of such section prohibiting political contributions apply equally to labor organizations and management organizations, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 54) authorizing the President of the United States of America to proclaim October 11, 1943, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 82) to create the War Shipping Field Service was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 865) suspending for the duration of the war the limitations upon the compensation of certain retired personnel employed by the Government was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other elections for national offices was announced as next in order.

Mr. BARKLEY and Mr. RUSSELL. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 195) requesting an investigation concerning Government property and materials no longer needed for war purposes was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1323) for the relief of Mrs. Margaret M. Ross was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1388) to authorize the acceptance of donations of land for the construction of a scenic parkway to provide an appropriate view of the Great Smoky Mountains National Park was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3428) to amend sections 6, 7, and 8 of the act entitled "An act to provide for the leasing of coal lands in the Territory of Alaska" was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1232) to provide equitable compensation for useful suggestions or inventions by personnel of the Department of the Interior was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 866) to fix the compensation of registers of the district land offices in accordance with the Classification Act of 1923, as amended, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1335) to amend the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, as amended," was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1418) to provide for the adjustment of maximum prices on milk, and for other purposes, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1326) for the relief of Charles A. Straka, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1399) for the relief of Frank Knowles, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3189) for the relief of Thomas Lewis, was announced as next in order.

Mr. McCARRAN. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 550) for the relief of Mrs. Renzie Graham, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 616) for the relief of Mrs. Mary Vullo, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1433) for the relief of Clarence A. Giddens was announced as next in order.

Mr. DOWNEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1484) for the relief of Walter Eugene Hayes was announced as next in order.

Mr. HILL. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1112) for the relief of Taylor W. Tonge was announced as next in order.

Mr. DOWNEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2340) for the relief of the Postal Telegraph-Cable Co. was announced as next in order.

Mr. DOWNEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3076) for the relief of the legal guardian of Arthur J. Martin, Jr., a minor, was announced as next in order.

Mr. DOWNEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1311) for the relief of Dan Crotts was announced as next in order.

Mr. DOWNEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 480) for the relief of Francesco P. Mastrilli was announced as next in order.

Mr. DOWNEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2131) for the relief of Henry Angell was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 556) for the relief of Pedro Jose Arrecochea was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 850) for the relief of George M. Louie was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 1467) to record the lawful admission to the United States for permanent residence of Rev. Julius Paal was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 429) authorizing the President of the United States to award posthumously in the name of Congress a medal of honor to William Mitchell was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1340) to establish a sanitary code governing the operation of restaurants in the District of Columbia was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2697) to provide for the disposal of materials or resources on the public lands of the United States which are under the exclusive jurisdiction of the Secretary of the Interior was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 324) to place postmasters at fourth-class post offices on an annual salary basis and fix their rate of pay and provide allowances for rent, fuel, light, and equipment, and fix the rates thereof, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2836) to grant increases in compensation to substitute employees in the Postal Service, and for other purposes, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1546) to amend an act relating to the incorporation of Provi-

dence Hospital, Washington, D. C., approved April 8, 1864, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1554) to amend the act entitled "An act to change the name of Conduit Road in the District of Columbia," approved March 4, 1942, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2199) to amend an act entitled "An act in relation to taxes and tax sales in the District of Columbia," approved February 28, 1898, as amended, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1579) to amend the act entitled, "An act relative to restrictions applicable to Indians of the Five Civilized Tribes in Oklahoma," approved, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1421) making certain regulations with reference to fertilizers and nursery stock or seeds that may be distributed by agencies of the United States was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1102) for the relief of Helene Murphy was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3261) to amend the act of April 29, 1943, to authorize the return to private ownership of Great Lakes vessels of 1,000 gross tons or less, and for other purposes, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 78) to provide cash awards to personnel of the Maritime Commission and the War Shipping Administration for useful suggestions to improve administration of their activities was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1029) to provide for regulation of certain insurance rates in the District of Columbia and for other purposes was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1028) to amend the Fire and Casualty Act of the District of Columbia, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1428) to amend the provisions of the act authorizing payment of 6 months' death gratuity to widow, child, or dependent relative of officers, enlisted

men, or nurses of the Navy or Marine Corps, and for other purposes, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1517) for the relief of Staff Sgt. Marion Johnson, United States Marine Corps, and Sgt. George B. Kress, United States Marine Corps Reserve, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1542) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire at Davisville, R. I., was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1589) for the relief of C. Guy Evans, Garland Mineral Springs, Index, Wash., was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2976) to grant military rank to certain members of the Navy Nurse Corps was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3605) to provide for reimbursement of certain Navy personnel and former Navy personnel for property lost on Long Island, Alaska, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3606) to provide for the reimbursement of certain Navy and former Navy personnel, for personal property lost at the Norfolk Navy Yard, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3607) to provide for reimbursement of certain Navy and former Navy personnel for property lost at Camp Bradford, Va., was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 3760) authorizing the President to present in the name of Congress, a Distinguished Service Medal to Lt. Gen. Thomas Holcomb, United States Marine Corps, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 149) to fix a reasonable definition and standard of identity of certain dry milk solids was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF STARVING PEOPLES OF EUROPE

The resolution (S. Res. 100) favoring action looking to relief for starving peoples of Europe was announced as next in order.

Mr. TAFT. Mr. President—

Mr. BARKLEY. Over.

Mr. TAFT. Mr. President, Senate Resolution 100, which has been reported by the Committee on Foreign Relations, provides for a request of the Secretary of State to take up with the British Government and other governments the question of providing food for the children in occupied democracies. In particular, the resolution mentions Belgium, Norway, Poland, the Netherlands, Greece, Yugoslavia, Czechoslovakia, and other countries. When the time comes I desire to have the resolution amended by having occupied France included among the countries to which the resolution would apply.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. TAFT. I am sorry, but at present I cannot yield.

Mr. CONNALLY. I merely wish to inquire what resolution the Senator has been discussing. Is it Senate Resolution 100?

Mr. TAFT. Yes; Senate Resolution 100.

Mr. President, the testimony showed clearly that the children in these countries have been receiving only from one-third to one-half—

The VICE PRESIDENT. Does the Senator from Ohio desire to make a motion that the Senate consider the resolution despite the objection of the Senator from Kentucky?

Mr. TAFT. I did not hear any objection. The Senator did not rise from his seat, and, so far as I know, no objection was made to consideration of the resolution.

Mr. BARKLEY. Mr. President, I followed the custom of the Senator from Ohio by objecting from my seat. But if the Senator desires to have the formalities observed, I will—

Mr. TAFT. Mr. President, I think I have the floor.

The VICE PRESIDENT. The Senator has the floor. Objection has been made to the present consideration of the resolution. If the Senator wishes to proceed, the proper order is for the Senator to make a motion to have the Senate consider the resolution.

Mr. TAFT. No; Mr. President, I raise the parliamentary question of whether objection was made. I heard someone say "Over." No Senator rose from his seat, and, so far as I know, I did not know that any official objection had been made.

The VICE PRESIDENT. The Chair heard the objection.

Mr. TAFT. Then, the resolution will go over.

Mr. President, I think the RECORD might show that the Senator from Kentucky, in order that the question of the Senate considering the soldiers' voting bill may not be debated by the Senate, is

objecting to the consideration of measures of obvious merit. For instance, he has objected to consideration of a measure providing for posthumous award of a Medal of Honor to Billy Mitchell; he has objected to measures the merit of which is without doubt, to which there is no real objection in the Senate—all for the parliamentary purpose of shutting off debate in the Senate of the United States on the question of whether, once having disposed of a measure which was debated before the Senate for 10 days, the Senate shall again consider it.

Mr. BARKLEY. Mr. President, all the measures to which the Senator from Ohio has referred can be taken up during the debate on the bill to which he has referred, that is to say, the soldiers' voting bill. I did object to the present consideration of Senate Resolution 100, for the same reason that I objected to having other measures taken up now in order to consume time so that the Senator from Ohio might debate interminably the question whether the Senate would take up a bill which would grant to the soldiers and sailors of the United States the right to vote.

I had assured the authors of the resolution that at an early date, and whenever practicable, it would be my purpose to have the Senate consider and dispose of the resolution. However, I am sure all Members of the Senate know why the Senator from Ohio is now insisting on consideration of the resolution, when even the author of the resolution is not insisting on its present consideration. He is doing so as a means of postponing consideration of the other measure.

The VICE PRESIDENT. Objection having been made to the present consideration of Senate Resolution 100, the resolution will be passed over.

The next measure on the Calendar will be stated.

PRESERVATION OF JEWS OF EUROPE

The resolution (S. Res. 203) favoring the appointment of a committee to formulate a plan to save the Jews of Europe from extinction by Nazi Germany was announced as next in order.

Mr. BARKLEY. Over.

Mr. GILLETTE. Mr. President, will the Senator defer his objection to present consideration of Senate Resolution 203, Calendar No. 634, until I make a very brief statement regarding it?

Mr. BARKLEY. I shall be glad to do so.

Mr. GILLETTE. Mr. President, Senate Resolution 203 is a measure favoring the appointment of a committee to formulate a plan to save the Jews of Europe from extinction by Nazi Germany. It would provide for exploring the possibility of saving the remnants of the Jewish people in Europe, where it is reported that some 2,000,000 of them have been exterminated under a well-devised and well-thought-out plan promulgated by the Hitlerian regime. The resolution was unanimously reported from the Senate Committee on Foreign Relations. It has been placed on the Senate calendar.

I am very pleased to announce what probably has been noted by most Members of the Senate in the press reports of yesterday and today, that late Saturday the President, in almost exact compliance with the request contained in the provisions of the resolution, created a board composed of diplomatic, economic, and military experts, and in doing so used almost the same language as that contained in the resolution.

In view of the fact that the President has taken such action, Mr. President, there is little reason or point, as I see it, in pushing the consideration of the resolution. While I have not talked to the cosponsor of the resolution, I shall at this time, on my own responsibility, move that the resolution be stricken from the calendar.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to.

CALL OF THE ROLL

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	George	Murray
Andrews	Gillette	Nye
Bailey	Green	O'Daniel
Bankhead	Guffey	O'Mahoney
Barkley	Hatch	Overton
Blibo	Hawkes	Radcliffe
Brewster	Hayden	Reed
Bridges	Hill	Revercomb
Brooks	Holman	Reynolds
Buck	Johnson, Colo.	Robertson
Burton	Kilgore	Russell
Bushfield	La Follette	Shipstead
Butler	Lodge	Stewart
Capper	Lucas	Taft
Caraway	McCarran	Thomas, Idaho
Chandler	McClellan	Thomas, Okla.
Chavez	McFarland	Truman
Clark, Mo.	McKellar	Tunnell
Connally	Maloney	Wallgren
Danaher	Maybank	Wheeler
Davis	Mead	Wherry
Downey	Millikin	White
Ellender	Moore	Willis
Ferguson	Murdoch	

The VICE PRESIDENT. Seventy-one Senators have answered to their names. A quorum is present.

PRINTING OF MATTER IN THE RECORD

Mr. DANAHER. Mr. President—

Mr. BARKLEY. Mr. President, I wish to state that I shall object to the consumption of time by putting anything more in the Record until we have reached a later point in our proceedings. I make that statement because I wish to be impartial to all Senators who may make such requests.

Mr. DANAHER. Mr. President, in yesterday's New York Times, on the editorial page, there appeared a letter dated Washington, January 19, 1944, written by Prof. Herbert Wright, who is professor of international law at Catholic University. The letter entitled "Things To Be Avoided" deals with a most important subject, and is so factual, informational, and meritorious, that I ask unanimous consent that it be printed in full in the Appendix of the Record.

Mr. BARKLEY. Mr. President, for the present I am compelled to object. Later I shall not object.

CONTINUATION OF CALL OF THE CALENDAR—BILLS AND RESOLUTIONS PASSED OVER

The VICE PRESIDENT. The clerk will proceed to state the next business on the calendar.

The bill (H. R. 2924) to give effect to the provisional fur seal agreement of 1942 between the United States of America, and Canada, to protect the fur seals of the Pribilof Islands and for other purposes was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 198) to investigate war contracts, the termination of war contracts, and related problems, was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The resolution will be passed over.

The resolution (S. Res. 136) increasing the limit of expenditures for the holding of hearings by the Committee on the Judiciary in respect to judicial nominations was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (H. R. 3408) to amend chapter 7 of the Criminal Code was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1227) to amend section 1 of the act providing punishment for killing or assaulting of Federal officers was announced as next in order.

Mr. BARKLEY. Over.

The VICE PRESIDENT. The bill will be passed over.

CONTINUATION OF COMMODITY CREDIT CORPORATION

The bill (H. R. 3477) to continue the Commodity Credit Corporation as an agency of the United States to revise the basis of annual appraisal of its assets and for other purposes was announced as next in order.

Mr. BARKLEY. Let the bill go over.

Mr. TAFT. Mr. President, I move that the Senate proceed to the consideration of House bill 3477, Calendar 641, notwithstanding the objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. TAFT].

Mr. TAFT. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. LUCAS. I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, we have just had a quorum call. Let us vote on the motion.

Mr. LUCAS. Mr. President, I withdraw the request.

Mr. BUSHFIELD. Mr. President, may we have a statement of the question on which the vote is about to be taken?

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. TAFT] that the Senate proceed to the consideration of House bill 3477, Calendar 641, a bill to continue the Commodity Credit Corporation as an agency of the United States, to

revise the basis of annual appraisal of its assets, and for other purposes. The motion is to proceed to the consideration of the bill notwithstanding the objection of the Senator from Kentucky [Mr. BARKLEY].

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BRIDGES. I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the junior Senator from New Hampshire [Mr. TOBEY], who if present would vote, as I shall vote. I am therefore free to vote, and vote "yea."

Mr. McCARRAN. I announce that my colleague, the junior Senator from Nevada [Mr. SCRUGHAM] is absent because of illness. If present he would vote "nay."

Mr. BANKHEAD. I have a general pair with the Senator from Oregon [Mr. McNARY]. I transfer that pair to the Senator from Virginia [Mr. GLASS]. I am not advised how either Senator would vote if present. I vote "yea."

Mr. REED (after having voted in the affirmative). I have a general pair with the Senator from New York [Mr. WAGNER]. I transfer that pair to the junior Senator from South Dakota [Mr. GURNEY] and allow my vote to stand. I am advised that the Senator from South Dakota would vote "yea," if present.

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from Washington [Mr. BONE], the Senator from Virginia [Mr. BYRD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Rhode Island [Mr. GERRY], the Senator from Maryland [Mr. TYDINGS], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent. I am advised that if present and voting, the Senator from New York [Mr. WAGNER], the Senator from Maryland [Mr. TYDINGS], and the Senator from Massachusetts [Mr. WALSH] would vote "nay."

The Senator from Idaho [Mr. CLARK] and the Senator from Utah [Mr. THOMAS] are detained in Government departments on business pertaining to their respective States. I am advised that if present and voting, the Senator from Utah [Mr. THOMAS] would vote "nay."

The Senator from Florida [Mr. PEPPER], the Senator from New Jersey [Mr. WALSH], and the Senator from Indiana [Mr. VAN NUYS] are detained because of slight illnesses. I am advised that if present and voting, the Senator from Florida, the Senator from New Jersey, and the Senator from Indiana would vote "nay."

Mr. WHITE. The Senator from Vermont [Mr. AUSTIN] is absent because of illness.

The Senator from North Dakota [Mr. LANGER] is absent from the city on official business.

The Senator from Oregon [Mr. McNARY] is absent because of illness.

The Senator from New Hampshire [Mr. TOBEY] is absent on public business.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The result was announced—yeas 33, nays 38, as follows:

YEAS—33

Aiken	Davis	Reed
Bankhead	Ferguson	Revercomb
Brewster	Hawkes	Robertson
Bridges	Holman	Russell
Brooks	Lodge	Shipstead
Buck	McClellan	Taft
Burton	Millikin	Thomas, Idaho
Eushfield	Moore	Wheeler
Butler	Nye	Wherry
Capper	O'Daniel	White
Danaher	Overton	Willis

NAYS—38

Andrews	Green	Maybank
Bailey	Guffy	Mead
Barkley	Hatch	Murdock
Bilbo	Hayden	Murray
Caraway	Hill	O'Mahoney
Chandler	Johnson, Colo.	Radcliffe
Chavez	Kilgore	Reynolds
Clark, Mo.	La Follette	Stewart
Connally	Lucas	Thomas, Okla.
Downey	McCarran	Truman
Ellender	McFarland	Tunnell
George	McKellar	Wallgren
Gillette	Maloney	

NOT VOTING—25

Austin	Johnson, Calif.	Vandenberg
Ball	Langer	Van Nuys
Bone	McNary	Wagner
Byrd	Pepper	Walsh, Mass.
Clark, Idaho	Scrugham	Walsh, N. J.
Eastland	Smith	Wiley
Gerry	Thomas, Utah	Wilson
Glass	Tobey	
Gurney	Tydings	

So, Mr. TAFT's motion was rejected.

CONTINUATION OF CALL OF THE CALENDAR—BILLS PASSED OVER

The VICE PRESIDENT. The clerk will proceed to state the next business on the calendar.

The bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, was announced as next in order.

Mr. BARKLEY. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1633) to amend the act entitled "An act to provide for the training of nurses for the armed forces," was announced as next in order.

Mr. BARKLEY. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

That completes the calendar.

WARTIME METHOD OF VOTING BY MEMBERS OF THE ARMED FORCES

Mr. BARKLEY. Mr. President, I move that the Senate proceed to consider Calendar No. 642, Senate bill 1612.

The VICE PRESIDENT. The clerk will state the bill by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes.

Mr. TAFT. Mr. President—

The VICE PRESIDENT. The motion is not debatable.

Mr. TAFT. I merely wish to give notice that after the hour of 2 o'clock I

will again move to take up the Commodity Credit Corporation bill.

The VICE PRESIDENT. The pending motion is not debatable. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, which had been reported from the Committee on Privileges and Elections with an amendment to strike out all after the enacting clause and to insert new matter.

The VICE PRESIDENT. The amendment reported by the Committee on Privileges and Elections will be stated.

The CHIEF CLERK. On page 26, after line 2, it is proposed to insert:

That Public Law No. 712, Seventy-seventh Congress, be amended by inserting after the enacting clause the words "Title I" and by striking out sections 3 to 15, inclusive, and inserting in lieu thereof the following:

"UNITED STATES WAR BALLOT COMMISSION"

"SEC. 3. (a) There is established a United States War Ballot Commission (hereinafter referred to as the Commission), which shall be composed of four Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve a term which shall not exceed the duration of the war and 6 months thereafter. Two Commissioners shall be members of the political party casting the largest popular vote and two Commissioners shall be members of the political party casting the second largest popular vote for Presidential electors in the most recent Presidential election. Such Commissioners shall be appointed from lists of not less than six nominees submitted by the national committees of the respective political parties. Vacancies in the Commission shall be filled in the same manner as the original appointments, that is, from lists of not less than three nominees for each such vacancy submitted by the national committees of the respective political parties. No Commissioner shall hold or be a candidate for any elective public office. The Commission shall elect from among its members a Chairman and Vice Chairman. Each Commissioner shall receive as compensation \$25 for each day in which he is actually engaged in performing the duties of his office and shall also be reimbursed for any necessary expenses incurred in the performance of his duties. The vote of a majority of all the Commissioners shall be necessary to a decision by the Commission on any matter.

"(b) The Commission is authorized to appoint, without regard to the Civil Service Act, rules, and regulations, an Executive Director and such other officers, employees, or agents as may be necessary for the performance of its duties under this act. The Commission may receive assistance from other Federal departments and agencies in carrying out the purposes of this act.

"(c) It shall be the duty of the Commission, in performing its functions under this act, to consult with representatives of the War and Navy Departments and the War Shipping Administration and with State officials. As soon as practicable after any election to which the provisions of this title apply, the Commission shall report to the Congress on the administration of this act, including the number of ballots received by the Commission and transmitted to the secretaries of state of the several States, and the reports received by the Commission from

such secretaries of state. Any Commissioner disagreeing as to the contents of the report may set forth his separate views."

Mr. LUCAS. Mr. President, I rise for the purpose solely of discussing the amendment as read by the clerk, and to advise the Senate that the language of the amendment is word for word the same as the language of the bill which the Senate passed several weeks ago. Members of the Senate will recall that we debated for 2 days the type, kind, and form of a ballot commission which would be set up to prepare and distribute the uniform ballot to those fighting in our armed forces.

Mr. TAFT. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. TAFT. Are we now considering the entire bill or the amendment?

The VICE PRESIDENT. The committee amendment consists of one amendment in the nature of a substitute.

Mr. TAFT. The clerk did not read all of the amendment. He read only through section 3.

Mr. LUCAS. The clerk read every word of the section.

Mr. TAFT. I thought he read only through section 3.

Mr. LUCAS. He did read through section 3 down to section 4. The language read comprises an amendment to Public Law No. 712, which is the present basic law on the subject.

Mr. TAFT. I wish to know if we are considering the whole bill as one amendment or considering it section by section?

The VICE PRESIDENT. The clerk will continue the reading of the committee amendment.

The Chief Clerk resumed reading the committee amendment and read as follows:

SEC. 4. (a) The foregoing provisions of this act—

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. Under the rules do I not have the right, at the end of the reading of a section of the bill, or at any other time at which I can obtain recognition from the Chair, to make an explanation?

The VICE PRESIDENT. The amendment in the nature of a substitute is treated as one amendment to the bill.

Mr. BARKLEY. It is frequently treated as the text and is subject to amendment section by section as if it were the original text.

Mr. TAFT. I have no objection to the Senator doing as he suggests. I was only making an inquiry. I did not understand whether it was all to be read as one amendment or whether the Senator desired to have a section read and then comment upon it and then have another section read and comment upon it before any action was taken on it. If that is his desire, it is perfectly agreeable to me.

Mr. LUCAS. My only thought was that perhaps if I commented briefly on

the section while Senators were on the floor it would give them knowledge of what the committee has done. I do not care to debate it long, but it did seem to me that it might be well at the particular point to advise the Senate with respect to the amendment.

Mr. TAFT. I have no objection to that, if it is understood that it is all one amendment, and will not be acted upon until the reading is completed.

The VICE PRESIDENT. The Chair understands that is the general procedure.

Mr. BARKLEY. And with the understanding that the amendment, while it is a complete substitute for the original text, will be treated as if it were the original text and subject to amendment section by section.

The VICE PRESIDENT. That is correct.

The clerk will continue reading the committee amendment.

The Chief Clerk read as follows:

(b) As used in this act—

1. the term "members of the merchant marine of the United States" means persons employed as officers or members of crews of vessels documented under the laws of the United States and persons enrolled for such employment with the War Shipping Administration, but does not include those in service or enrolled for service on the Great Lakes or the inland waterways;

2. the term "United States," used geographically, includes only the territorial limits of the several States of the United States and the District of Columbia.

Mr. LUCAS. Mr. President, I desire to go back for a moment to section 3 and to state that that section, which has just been read by the clerk, is in the exact language adopted by the United States Senate a few weeks ago when we debated for some 2 days the question of how the ballot commission should be created and how it should function after it was created. It will be recalled that we on this side lost by one vote. In rewriting the bill we have taken the ballot commission as suggested by those on the opposite side of the aisle, and have made no change. We still leave the ballot commission in the hands of the two principal political parties of the country. The names of six men are to be submitted by the chairman of one party and the names of six men are to be submitted by the chairman of the other party, and then the President of the United States is to select two from each list, and the four thus selected are to constitute the ballot commission.

The VICE PRESIDENT. The clerk will continue reading the committee amendment.

The Chief Clerk resumed and concluded the reading of the amendment reported by the committee, as follows:

OFFICIAL FEDERAL WAR BALLOTS, ENVELOPES, AND EXPLANATIONS

SEC. 5. (a) The Commission shall cause to be prepared and printed for use in voting in general elections under this title an adequate number of official Federal war ballots. Each ballot shall be printed in the following form insofar as the offices enumerated are appropriate to the particular election:

OFFICIAL FEDERAL WAR BALLOT

Instruction: To vote, write in the name of the candidate of your choice for each office or write in the name of his political party—Democratic, Republican, Progressive, or other.

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(A vote for President includes a vote for Vice President of the same party)

Write in the name of your choice for President or the name of his party _____

UNITED STATES SENATOR

(Only if a Senator is to be elected in your State)

Write in the name of your choice for Senator or the name of his party _____

REPRESENTATIVE IN CONGRESS FOR YOUR DISTRICT

Write in the name of your choice for Representative in Congress for your district or the name of his party _____

REPRESENTATIVE AT LARGE IN CONGRESS

(Only in the States entitled thereto)

Write in the name or names of your choice for Representative at Large or the name of his party _____

(Vote for one or two as the case may be)

A vote by party designation shall be deemed to be a vote for the candidate of that party by name. A vote for a Presidential candidate by name shall be deemed to be a vote for the candidates for Presidential and Vice Presidential electors of his party. No ballot shall be invalid by reason of mistake or omission in writing in the name of the candidate or his political party where the candidate or party intended by the voter is plainly identifiable. Where, because of any defect in marking, a ballot is held invalid as to any particular candidate for office, it shall remain valid as to the other candidates for office.

(b) The Commission shall also cause to be prepared and printed an appropriate number of official inner envelopes for use in sealing the official Federal war ballots. Each envelope shall be gummed ready for sealing. Upon one side of the envelope shall be printed:

OFFICIAL FEDERAL WAR BALLOT FOR GENERAL ELECTION

Name of voter _____
(Print your name plainly here)

Home residence:
Street and number (if any) or rural route _____
(Print street and number or rural route plainly here)

City or town (if any) _____
(Print city or town plainly here)

County _____
(Print county plainly here)

Upon the other side of such envelope shall be printed the following oath, at the top of which shall be set forth the date of the election:

OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTIONS TO BE HELD IN 1944

I do hereby swear (or affirm) that—
(1) I am a citizen of the United States;
(2) The date of my birth was _____;
(3) For _____ years preceding this election my home residence has been in the State of _____

(4) For _____ years preceding this election my home residence has been in the (city, town, or village) of _____ in the county of _____ at (street and number, if any, or rural route) _____;

(5) I am (check appropriate blank)—
(a) in the armed forces of the United States _____ ();

(b) in the merchant marine of the United States _____ ();

(c) serving with the American Red Cross (), the Society of Friends (), the Women's Auxiliary Service Pilots (), or the United Service Organizations (), outside the United States, and am attached to and serving with the armed forces of the United States;

and that I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered, or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the rights of suffrage.

(Voter must write his usual signature here and oath must be administered and attested)
Subscribed and sworn to before me this _____ day of _____, 194__.

(Commissioned, noncommissioned, or petty officer not below the rank of sergeant or its equivalent, or other person authorized to administer and attest this oath)

(c) The Commission shall also cause to be prepared and printed an appropriate number of official outer envelopes for use in returning to the Commission official Federal war ballots and official inner envelopes. Upon such outer envelope the following shall be printed:

Free of all postage
including air mail
(Official Federal war ballot)

To the United States War Ballot Commission:
For transmission to the secretary of state of the State shown below:

Voter's home residence:
Street and number (if any) or rural route. . .

(Print clearly)

City or town _____
(Print clearly)

County _____
(Print clearly)

State _____
(Print clearly)

(d) Ballots and envelopes for use outside the United States shall be suitable for air mailing.

(e) The Commission shall also cause to be prepared and printed an adequate number of copies of explanations of voting procedure for use in accordance with the provisions of this title.

(f) Where the Secretary of War or the Secretary of the Navy determines that the transmission abroad of any material required to be prepared and printed by the provisions of this section is inexpedient because of transportation difficulties or for other reasons arising from the conduct of the war, the Commission is authorized to arrange for such material to be printed outside the United States.

BALLOTING

SEC. 6. (a) Any person voting under the provisions of this title shall privately mark the ballot, place it in the official inner envelope, and securely seal the same. He shall then fill in and subscribe the oath printed upon the official inner envelope. After the oath has been duly attested, the voter shall then place the official inner envelope in the official outer envelope provided for the return of the ballot to the Commission and

shall deliver it to a person designated by proper authority to receive executed ballots for transmission to the Commission.

(b) Any commissioned, noncommissioned, or petty officer not below the rank of sergeant or its equivalent in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this title. All such oaths shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

ADMINISTRATION

SEC. 7. (a) The Secretaries of War and Navy shall be responsible for the administration of this title with respect to members of the armed forces and civilians attached to and serving with the armed forces and entitled to vote thereunder. The Administrator of the War Shipping Administration shall be responsible for the administration of this title with respect to members of the merchant marine of the United States entitled to vote thereunder.

(b) In each year in which a general election for Senators and Representatives in Congress is to be held, the Commission shall furnish well in advance of the election an adequate number of ballots, envelopes, and copies of explanations of voting procedures to the Secretaries of War and Navy and to the Administrator of the War Shipping Administration.

LISTS OF CANDIDATES

SEC. 8. The secretary of state of each State shall furnish the Commission such information as the Commission shall request for compiling a list of candidates and their parties in any general election for President and Vice President or for Senators and Representatives in Congress. The Commission shall transmit to the Secretaries of War and Navy and the Administrator of the War Shipping Administration, at such times as it deems to be appropriate for balloting under this title, lists of candidates compiled from the information so received, even if incomplete. The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall, in ample time for balloting under this title, transmit such lists to all units of the armed forces and to members of the merchant marine of the United States, to the extent that such transmission is practicable and compatible with military operations. Incomplete lists of candidates so furnished, or failure to furnish such lists, shall be no bar to balloting under the provisions of this title. No list of candidates furnished under this title shall include information as to a candidate other than his name, address, party affiliation, and office for which nominated.

DISTRIBUTION AND COLLECTION OF BALLOTS FOR MEMBERS OF THE ARMED FORCES AND OTHERS

SEC. 9. (a) The Secretaries of War and Navy, insofar as practicable and to the fullest extent compatible with military operations, shall cause ballots, envelopes, explanations of voting procedure, and lists of candidates to be distributed to members of the armed forces, and to civilians attached to and serving with the armed forces and entitled to vote under this title, in ample time to insure an opportunity to vote in general elections under this title and shall cause executed ballots to be collected and transmitted to the Commission.

(b) Wherever practicable and compatible with military operations, the appropriate commanding officer shall be required—

(1) to designate a balloting day for voting in general elections which shall be, whenever possible, after he has received a list of candidates from all States, but which shall not be later than the date which the Secretary of

War or the Secretary of the Navy, as the case may be, may fix for the area in which his command is located as the latest date which will afford a reasonable opportunity for the return of executed ballots;

(2) to cause lists of candidates to be posted and otherwise made available at conspicuous and convenient places prior to and on the balloting day and to cause copies of explanations of voting procedure and all other necessary information to be furnished to members of his unit and civilians attached to and serving with such unit and entitled to vote under this title;

(3) on the designated day to cause ballots and envelopes to be distributed, to provide a convenient place for marking them in secret, and to cause executed ballots to be collected and delivered for transmission to the Commission;

(4) to assume general responsibility for assuring that every person in or attached to and serving with his unit, who is entitled to vote under this title, has an opportunity to vote;

(5) to destroy, as soon as practicable after the balloting day, all official Federal war ballots in his custody remaining unused.

DISTRIBUTION AND COLLECTION OF BALLOTS FOR THE MERCHANT MARINE

SEC. 10. The Administrator of the War Shipping Administration shall cause ballots, envelopes, explanations of voting procedure, and lists of candidates for voting in general elections to be made available to members of the merchant marine of the United States upon request. The Administrator shall provide a convenient place for marking such ballots in secret, and shall cause executed ballots to be collected and delivered to the Commission or to appropriate representatives of the War and Navy Departments for transmission to the Commission. The Secretaries of War and Navy shall arrange, so far as practicable, for the receipt of such ballots and their transmission to the Commission together with the ballots of members of the armed forces. The Administrator may delegate to the Secretary of War or the Secretary of the Navy, with the consent of such Secretary, any function of the Administrator under this title.

PRIORITIES

SEC. 11. The Secretaries of War and Navy and other appropriate authorities shall take all steps necessary to give to the transmission and delivery of ballots and communications under this title priority over all unofficial communications and priority over official communications except where, in the judgment of the appropriate military and naval authorities, such priority would interfere with the effective prosecution of the war. Ballots cast outside the United States shall be transmitted by air, wherever practicable and compatible with military operations.

TRANSMISSION

SEC. 12. The Commission, upon receiving any ballot cast under this title, shall promptly transmit it to the secretary of state of the State of the voter's residence who shall at an appropriate time transmit it to the appropriate election officials of the district, precinct, county, or other voting unit of the voter's residence. No person other than such appropriate election officials shall open any official outer or inner envelope purporting to contain a ballot cast under this title.

REPORTS

SEC. 13. (a) The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall report to the Commission on balloting under this title, including the number of ballots distributed, received, and transmitted to the Commission, together with any comments thereon or explanation thereof.

(b) The Commission shall prepare a statement of all ballots received and transmitted to the various secretaries of state. Each secretary of state shall prepare a report of all ballots received by him and transmitted to the various election officials, and within 30 days after the last day for counting absentee ballots in any election in which ballots are cast under the provisions of this title, each secretary of state shall transmit such report to the Commission.

VALIDITY OF BALLOTS

SEC. 14. (a) The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States. Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

(b) No official Federal war ballot shall be valid if—

1. the voter has also voted in person or by absentee ballot in accordance with the procedure provided by State law; or

2. the date of the oath of elector is later than the date of the holding of the election; or

3. such ballot is received by the appropriate election official of the district, precinct, county, or other voting unit of the State of the voter's residence later than the date of the holding of the election, except that any extension of time for the receipt of absentee ballots permitted by State laws shall apply to ballots cast under this title.

(c) All ballot envelopes received by a secretary of state at a date or time too late for proper delivery, and all ballot envelopes not delivered to polling places or to the proper officials shall not be opened but shall be endorsed with the date of reception and shall be retained by the secretary until the time has expired for contesting the election, when they shall be destroyed without examination.

VOTING SAFEGUARDS

SEC. 15. Every individual concerned with the administration of this title shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast hereunder.

PENALTIES

SEC. 16. The provisions of State and Federal law prohibiting offenses against the elective franchise shall apply in the case of elections and voting conducted pursuant to the provisions of this title: *Provided, however*, That no act done in good faith by a member of the armed forces of the United States, in the exercise of his judgment as to what was practicable and compatible with military operations, shall constitute a violation of any such provision of law.

APPROPRIATE STATE OFFICIALS

SEC. 17. Wherever, in any State, an official other than the secretary of state is the appropriate State official to carry out any function vested in the secretary of state under this title, the term "secretary of state" shall mean such other official.

OFFICIALS AND AGENCIES TO ACT FOR SECRETARY OF STATE

SEC. 18. Each secretary of state may utilize the services of such State and local officials and agencies for such purposes and to such extent as he may deem appropriate in the exercise of his powers and duties under this title.

ACT TO BE LIBERALLY CONSTRUED

Sec. 19. The provisions of this act shall be construed liberally in order to effectuate its purposes.

TITLE II

VOTING UNDER STATE LAW FOR STATE AS WELL AS FEDERAL OFFICERS

Post cards

Sec. 201. In order to afford an opportunity for members of the armed forces to vote for Federal, State, and local officials and to utilize States absentee balloting procedures to the greatest extent possible, the Commission shall cause to be printed and delivered to the Secretaries of War and Navy an adequate number of post cards for use in accordance with the provisions of this title. The Secretaries of War and Navy shall, wherever practicable and compatible with military operations, cause such post cards to be made available, at appropriate times, upon request, to members of the armed forces located within the United States and, where State procedures can be effectively employed, to members of the armed forces located in other places.

Upon one side of the post card shall be printed the following:

Secretary of state or other appropriate official within the State of _____

Being in the armed forces of the United States, I hereby request an absentee ballot to vote in the coming _____ (primary, general, or special) election.

(1) I am a citizen of the United States.

(2) The date of my birth was _____

(3) For _____ years preceding this election my home residence has been in the State of _____

(4) For _____ years preceding this election my home residence has been in the (city, town, or village) of _____ in the county of _____ at (street and number, if any, or rural route) _____

(5) My voting district to the best of my knowledge is _____

(6) My choice of party primary ballot is _____

(Fill in only in case of primary ballot)

Please send the ballot to me at the following address:

(Print your name plainly above)

(Write your usual signature above)

Subscribed and sworn to before me this _____ day of _____, 19____.

(Commissioned officer writes here his name and rank)

Upon the other side of the post card shall be printed the following:

Free of postage
including air mail
(war ballot)

Secretary of state of _____,

(City)

(State)

FUNCTION OF POST CARDS

Sec. 202. Such post cards (and post cards provide under sec. 3 of this act prior to its amendment) may be used, if State law permits, as applications for ballots under State absentee balloting laws, as applications for registration under State absentee balloting laws, or as sources of information to implement State absentee balloting laws. No voter shall be precluded from voting under the provisions of title I of this act by reason of any post-card application made under this title, unless such voter casts an absentee ballot.

INFORMATION REGARDING ELECTIONS

Sec. 203. The Commission shall, at appropriate times, furnish the Secretary of War

and Navy with any information received from a secretary of state as to the dates of elections in such State, including general, special, and primary elections. The Secretaries of War and Navy shall, whenever practicable and compatible with military operations, cause such information to be made available to members of the armed forces.

COOPERATION WITH STATES

Sec. 204. The Secretaries of War and Navy shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate delivery and return of absentee ballots mailed to members of the armed forces pursuant to the laws of the several States.

TITLE III

MISCELLANEOUS

Authorization for appropriations

Sec. 301. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

(b) The Commission shall certify to the Secretary of the Treasury for payment in advance or otherwise such sums as it estimates to be necessary to compensate State or local agencies for administrative expenses incurred under title I of this act. The Secretary of the Treasury, through the Division of Disbursement of the Treasury and prior to audit or settlement by the General Accounting Office, shall pay the sums so certified. The use of such sums shall be properly accounted for, and any part in excess of that used to meet such administrative expenses shall be returned to the United States upon the demand of the Commission.

(c) The transmission of all communications under titles I and II shall be free of postage, including air-mail postage, in the United States mails.

VOTING UNDER STATE LAW PERMITTED

Sec. 302. Nothing in this act shall be deemed to restrict the right of any member of the armed forces of the United States or of any other person to vote in accordance with the law of the State of his residence.

SEPARABILITY

Sec. 303. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

AMENDMENTS TO ACT OF AUGUST 2, 1939, AS AMENDED

Sec. 304. The act of August 2, 1939, entitled "An act to prevent pernicious political activities," as amended (U. S. C. 1940 ed., title 18, secs. 61-61t; Supp. II, title 18, secs. 61h, 61u), is hereby amended by adding thereto the following new sections:

"Sec. 22. It shall be unlawful for any officer of, or person employed in, the executive branch of the Federal Government, or any agency or department thereof, including the Army and Navy, to deliver or present or cause to be delivered or presented to persons in the armed forces of the United States any general communication, Government magazine, Government newspaper, motion-picture film, or other literature or material, or to make, or cause to be made, and broadcast to the armed forces of the United States, paid for in whole or in part with Government funds, or sponsored by the Government or any agency or department thereof, including the Army and Navy, and containing political argument or political propaganda of any kind designed or calculated to affect the result of any election for President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, except that—

"(1) nothing in this section shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but

equal time must, if requested, be given for such purposes to representatives of each political party which polled at least 10 percent of the votes cast in the most recent Presidential election;

"(2) nothing in this section shall prevent the distribution to members of the armed forces of books, magazines, and newspapers which have a general circulation in the United States, or of servicemen's magazines or newspapers, such as Yank and Stars and Stripes, or the presentation to members of the armed forces of motion-picture films, radio broadcasts, or rebroadcasts; but—

"(a) the list of such magazines and newspapers of general circulation shall be determined in accordance with the preference of the members of the armed forces in some reliable method to be determined by the Secretary of War and the Secretary of the Navy;

"(b) any such books of general circulation hereafter purchased shall be selected from a list of books, not containing political argument or political propaganda of any kind designed or calculated to affect the result of any election for the Federal offices above-mentioned, approved by a nonpartisan committee of civilian publishers and librarians which is not financed by the Government or by political parties; and

"(c) such motion-picture films, radio broadcasts or rebroadcasts, and servicemen's magazines or newspapers, sponsored or paid for by the Government, shall be nonpartisan and nonpolitical: *Provided*, That this subparagraph shall not prohibit or curtail impartial coverage or presentation, as news or information, of public events and persons in public life: *And provided further*, That if in any issue or presentation space or time is allotted to editorials, columns, or other argumentative matter supporting a political party which polled at least 10 percent of the votes cast in the most recent Presidential election, an equal amount of space or time shall be allotted in the same issue or presentation to similar matter concerning each such other political party.

"(3) nothing in this section shall prevent the sending of any letter, communication, magazine, newspaper, or other literature by any individual, corporation (other than a Government-owned or Government-controlled corporation), or political committee to any member of the armed forces, addressed personally to such member of the armed forces, and paid for by him, or by the individual, corporation, or committee sending the same.

"Sec. 23. It shall be unlawful for any censor or other officer, employee, or member of the executive branch of the Government, including the Army and Navy, to censor any letter, communication, magazine, newspaper, or other literature referred to in paragraph (3) of section 22 of this act, for the purpose of removing therefrom any political argument, political propaganda, or other political matter, except to the extent that such argument, propaganda, or other matter contains information which may be of value to the enemy in their prosecution of the war.

"Sec. 24. Any person who violates the provisions of section 22 or section 23 of this act either within or outside of the United States shall upon conviction thereof be fined not more than \$1,000 or imprisonment for not more than 1 year, or both."

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Downey in the chair). The Senator will state it.

Mr. McCLELLAN. Is the substitute being treated as one amendment?

The PRESIDING OFFICER. The substitute is treated as one amendment,

and is now open to amendment, the same as the original bill.

Mr. McCLELLAN. Can amendments be offered to any part of the substitute at any time while it is open to amendment?

The PRESIDING OFFICER. Yes.

Mr. TAFT. Mr. President, may I ask the Senator from Illinois [Mr. Lucas] to explain in what respect this bill differs from the bill which was before the Senate previous to the time the Senate substituted for it the Eastland amendment?

Mr. LUCAS. I shall be glad to explain to the Senator from Ohio the difference between this bill and the bill which the Senate passed a short time ago, known as the Eastland-McKellar-McClellan bill. Everyone knows that the substitute bill which was in charge of the Senator from Mississippi [Mr. Eastland] merely referred the whole issue back to the States.

Mr. TAFT. Mr. President, will the Senator yield a moment?

Mr. LUCAS. Yes.

Mr. TAFT. I was not asking that question. I asked the Senator to explain how the bill now before the Senate differs from the original committee bill, as it was amended, at the time when the Senate voted it down and before it adopted instead of the Eastland amendment.

Mr. LUCAS. I understand the Senator. I started earlier in today's session to explain the provision with respect to the ballot commission. I will say to the Senator from Ohio and other Members present that the provision dealing with the ballot commission, as it now appears in this bill, is exactly the same as the provision in the measure which was passed by the Senate some 3 weeks ago. The Senator will recall that we had some 2 days' debate upon that issue, and those who advocated a ballot commission composed of six members to be appointed by the chairman of the Republican Party and six members to be appointed by the chairman of the Democratic Party prevailed by one vote. In rewriting the provision the sponsors of this bill have used the exact language as it was in the measure which the Senate passed. In other words, the provision with respect to the ballot commission, as it now appears in the proposed new legislation, is in the exact language which was submitted to the Senate by those on the opposite side of the aisle. The Senate will recall that we had a rather lengthy debate upon that question, and that the present form prevailed, as I recall, by one vote. In order to eliminate any question now, because time is of the essence in connection with this measure, the sponsors of the pending bill forgot all about the original proposition whereby the President of the United States should appoint all four of the commissioners, two to be Republicans and two to be Democrats, and have accepted the philosophy of those on the opposite side of the aisle with respect to the ballot commission. There is no change in that, and that is a very important matter, as I see it.

Mr. President, under the new bill we leave sections 1 and 2 as they are in Public Law 712. Section 1 deals with

registration; section 2 deals with the poll tax. That is the law of the land as it now exists. Under this amendment we have stricken from Public Law 712 sections 3 to 15, inclusive, and substituted in lieu thereof the amendment which the clerk has just read.

Section 102 of the original bill, which we debated here before the Eastland measure was substituted for it, contained this provision, under the title "Voters Eligible Under This Title":

(b) (1) In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual specified in subsection (c) who is absent from the place of his voting residence but otherwise eligible to register and qualified to vote in any election for United States Senators and Representatives in Congress shall be entitled to vote for such officers in accordance with the provisions of this title.

Then we also struck out paragraph 2, as follows:

(2) In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual specified in subsection (c) who is absent from the place of his voting residence but otherwise eligible to register and qualified to vote in any election for electors of President and Vice President of the United States, shall be entitled to vote for such electors in accordance with the provisions of this title.

We also struck out section 103, under the heading "Payment of poll tax not required." That section provided:

SEC. 103. No individual specified in section 102 (c) shall, in time of war, be required, as a condition of voting in any election for electors for President or Vice President, or for Senator or Member of the House of Representatives, to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. As I understand, however, although that is taken out of the pending bill, the pending bill leaves in the provision of the bill passed last year, which reads as follows:

No person in the military service in time of war shall be required as a condition of voting in any election for President, Vice President, elector for President or Vice President, or Senator or Member of the House of Representatives to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

So really there is no difference, as I understand the two bills, between the pending bill and the bill the Senate had before it last year, so far as payment of the poll tax is concerned.

Mr. LUCAS. The only difference, as I see it, I may say to the Senator from Ohio, is simply that under the pending bill all we are doing is simply amending basic law, which the Congress has passed and the President has signed. Instead of attempting to rewrite the provisions with regard to registration and the poll tax, we leave them just as it is under the basic law, and we start from section 3 to amend.

Mr. TAFT. So, in substance, the bill now pending will create, when it is passed, the same law that the bill we debated and passed last year created.

Mr. LUCAS. In the pending measure we do nothing which affects sections 1 and 2 of Public Law 712. That is the law at the present time. All we attempt to do is to move on from that point, and to create the mechanics necessary to make the law effective to the end that the men and women in the armed forces, wherever they may be serving, shall have an opportunity to vote. We leave those two sections just as they are. One deals with registration and the other deals with the poll tax.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. LUCAS. I will yield, unless the Senator from Ohio desires to ask a further question.

Mr. TAFT. Mr. President, there has been some talk to the effect that the pending bill is a compromise measure; but I cannot see any difference whatever between the pending bill and the bill the Senate rejected when it adopted the Eastland amendment, in December last. I have not been able to find from anything the Senator has said that there is anything new in the pending bill, anything which has not already been turned down by the Senate.

Mr. LUCAS. Of course, the Senator has not examined the bill very carefully; otherwise he could not have reached that conclusion. Because, in addition to that, we have in the bill, in section 14, a provision dealing with the validity of ballots, and in that section we definitely state—and this is one of the material changes made in the pending bill, as compared to the other one—as follows:

VALIDITY OF BALLOTS

SEC. 14. (a) The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States. Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

Mr. President, the record of the hearings before the Committee on Privileges and Elections show that in my testimony before the committee I took the same position as I take now, namely, that there is only one group of individuals that ultimately can make the determination with respect to the validity of the ballots. We never intended at any time that the ballot commission should count or canvass the ballots which came under the provisions of the uniform Federal ballot law.

Mr. TAFT. Mr. President, will the Senator further yield?

Mr. LUCAS. I shall yield in a moment. There is only one group of individuals that can do that, and in the pending measure we have attempted to write into the law a provision which will cover that matter so there can be no question about it. There is only one group that knows whether John Jones, of the third ward in Havana, Ill., is a qualified voter. That group is made up of the election officials there. So when

a ballot finally returns to the election officials of the particular precinct or ward where the voter resides those who have charge of the election machinery there are the only ones who can determine the validity of the ballot. We have made that clear in this provision.

Furthermore, Mr. President, another material change which brings us within the parliamentary rule making it permissible to bring the pending bill on the floor of the Senate is that under the old bill, which was introduced and debated in the Senate for a week, provision also was made that after the election officials received the ballots from the secretary of state, it became necessary for the election officials to make a report as to the number of ballots received, the number counted, and also whether there were any irregularities or errors which had crept into the election, and that report would be made by the election officials to the secretary of state, and the secretary of state then would report to the ballot commission, and the ballot commission would report to Congress.

The last step has now been removed. Under the terms of the pending bill, once the ballot gets into the hands of the election officials of the precinct in which the voter resides, that is the end of the matter, insofar as the Federal authority is concerned; the Federal Government would have no power to deal with that ballot afterwards; and whatever the election officials do under section 14 with respect to that ballot would be final, unless there were fraud or intimidation or coercion or some other type of malfeasance growing out of the election, and upon which a contest might be raised.

Now I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, it seems to me, as I remember the debate on the last bill, that we eliminated all provisions which might even be construed as giving the ballot commission power to pass on the validity of a ballot. The bill which was rejected contained, as I recall, in substance, exactly the same provision, that the validity of the ballot was to be determined by the local election officials.

I agree that there is in the bill provision for the one change, namely, that as to the elimination of the reports; but that is the only change of any substance I can discover.

Mr. LUCAS. Mr. President, let me say to the Senator that it is a vital change; because there are those who feared that, once those in a precinct made a report to the secretary of state, and then to the ballot commission, in a close election that might finally find its way into the hands of Congress. In order to eliminate that uncertainty, that last step was removed.

Mr. TAFT. Mr. President, will the Senator yield for a moment further?

Mr. LUCAS. I yield.

Mr. TAFT. It does not seem to me to have been entirely removed; because in section 13 (b) provision is made:

(b) The Commission shall prepare a statement of all ballots received and transmitted to the various secretaries of state. Each secretary of state shall prepare a report of all ballots received by him and transmitted to the various election officials, and within 30

days after the last day for counting absentee ballots in any election in which ballots are cast under the provisions of this title, each secretary of state shall transmit such report to the Commission.

So there still would be a report from the secretary of state, as I understand the provisions of the bill.

Mr. LUCAS. That is correct, and I think it is a very admirable provision. In other words, the secretaries of state would have nothing to do with respect to the counting or canvassing of the ballots. All they would do would be to receive, segregate, and transmit the ballots to the various election officials in the counties in which the voters reside. It would seem to me to be worth while to make provision at least to have the ballot commission and the country to know how many votes the secretaries of state received and how many votes were transmitted. It does not seem to me to be particularly important that they know where they were transmitted. That information would come back to the ballot commission, and we would at least have sufficient knowledge to be able to know whether the secretary of state transmitted the ballots in the proper way, in accordance with what Congress intended. That act is purely an administrative one. It would mean absolutely nothing, other than to have the Congress know whether the secretary of state did pass along the ballots. That is about all there is to the provision. Candidly, I am not very much interested in even that phase of the measure; but I believe it helps remove a little more administrative responsibility from the Army and from the ballot commission, to have the ballots transmitted directly to the secretaries of state, and then have them segregate them and send them on.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. OVERTON. The provision in reference to the validity of ballots is not so very clear, as to whether the validity of the ballot is to be determined by State law or not. The provision is that—

Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

That relates to the canvassing, counting, and certification of votes, but it does not deal with the qualification of the voter. It contemplates the vote cast, the vote in the ballot box, whether the voter be qualified under State laws or not, and then it proceeds to state that after the votes are cast they shall be canvassed, counted, and certified according to the State law. What I wish to ask the Senator is whether it is the intention to provide that the qualifications of voters shall be determined by the laws of the State in which the vote is cast.

Mr. LUCAS. Let me say to my able friend from Louisiana that the first part of section 14 provides:

The commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall

be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States.

It seems to me that is very clear. That is the first part of section 14.

Mr. OVERTON. Determined according to what? It ought to read "such determination shall be made in accordance with State law."

Mr. LUCAS. I presume that the duly constituted election officials in the Senator's parish, or in my particular precinct, are acting under State laws.

Mr. OVERTON. Why presume that they will follow the State law? We have here a proposed Federal statute, which contemplates that the soldiers shall be permitted to vote. The ballot is all arranged for them. All they have to do is to mark it and send it in.

Mr. LUCAS. I have no objection to what the Senator is trying to do. I think this section absolutely covers it. So far as we might question whether or not an election official has the power under the State law to count the vote, we might question the same thing under any vote for any Federal official. The States are merely acting in conjunction with the Federal Government in holding any Federal election. I undertake to say that under section 1 of article IV of the Constitution the Federal Government, if it so desired—at least so far as Senators and Representatives are concerned—could set up its own election machinery, have its own polling places, its own election officials and judges, and say to the States, "You hold your election on another day, and we will hold ours on this day." I have often wondered why the States did not ask the Federal Government for an appropriation of some kind to help them carry on the Federal elections, which they have been doing all these years at the expense of the States, really at the expense of the towns where the election is held.

Mr. OVERTON. If that be the intention of the Senator from Illinois, then I take it he would have no objection to an amendment on page 39, line 9, after the words "such determination shall be made" to insert "in accordance with State law."

Mr. LUCAS. "Shall be made by the duly constituted election officials—"

Mr. OVERTON. "Shall be made in accordance with State law." That is the determination as to the validity.

Mr. LUCAS. I do not think I would have any objection to that. However, I want to consider it carefully.

Mr. OVERTON. Then I offer that amendment, if I may.

Mr. LUCAS. I should like to give it a little thought and consideration before it is adopted.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. Of course, that would be entirely inconsistent with the provisions of sections 1 and 2 of the existing law, which are:

SECTION 1. In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual absent from the place of his residence

and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps, who is or was eligible to register for and is qualified to vote at any election under the law of the State of his residence, shall be entitled, as provided in this act, to vote for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress.

SEC. 2. No person in military service in time of war shall be required, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

So it seems to me that it is perfectly obvious that this section does not mean anything. If the Senator is willing to say "in accordance with State law" he then nullifies sections 1 and 2 of the act.

Mr. LUCAS. The Senator is absolutely mistaken.

Even if I should accept the amendment, I would not nullify sections 1 and 2 of the present law, Public Law 712. All we deal with there is registration and the poll tax. We do not deal with, and never have attempted to go into, the basic qualifications of a voter as laid down by the States. I contend with all seriousness that the question of registration is not a basic qualification.

Mr. TAFT. Madam President, will the Senator further yield?

The PRESIDING OFFICER (Mrs. CARAWAY in the chair). Does the Senator from Illinois yield to the Senator from Ohio?

Mr. LUCAS. I yield.

Mr. TAFT. There is, however, a fundamental question involved, and that is, Can the canvassing board, in a district in Louisiana, we will say, throw out a vote because the voter has not registered in accordance with the laws of the State of Louisiana? Perhaps he does not meet the educational requirements, or has not registered to show that he meets them, or has not paid the poll tax.

Mr. LUCAS. What might be construed with respect to registration in one section of the country might be determined by the courts to be different in another section of the country. I honestly believe and sincerely state that section 14 in the amendment which was read by the clerk is sufficient to satisfy all that the Senator from Louisiana has in mind. I wish to think about his amendment. I do not think I would object to it, although I should like to think about it.

Mr. OVERTON. Madam President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. OVERTON. My purpose is to do away with the provision in the existing law with reference to poll tax and registration. I was about to suggest another amendment, and that is that the qualifications of the voters shall be determined by State law. I think that would settle that question.

Mr. LUCAS. I will not agree to eliminate sections 1 and 2 of the basic law; but I am willing to go as far as anyone possibly can go in order to do what I think is accomplished under section 14.

Mr. OVERTON. Then, this is all beautiful phraseology, but does not mean anything in the face of existing law, unless we undertake to modify the existing law.

Mr. LUCAS. We have on the statute books the registration law and the poll tax law, enacted by the Congress and signed by the President. That is the situation as the Senator knows.

Mr. OVERTON. Does it all sum up to this, that it would still be left to the States to determine the qualifications of the voters?

Mr. LUCAS. I have never said that the basic qualifications should be determined by any agency except the States. They are the only ones who can determine it. The Congress has nothing to do with that.

Mr. OVERTON. Then there should be no objection to inserting an amendment.

Mr. LUCAS. There may not be, but I will not accept it until I take a look at it.

Mr. OVERTON. Let me suggest another amendment, while I am on my feet, if the Senator will yield for that purpose?

Mr. LUCAS. I am delighted to yield to the Senator from Louisiana.

Mr. OVERTON. After line 15, and before line 16, on page 39, I suggest inserting: "The qualifications of the voters shall be determined by State law."

Mr. LUCAS. Will the Senator be kind enough to restate his first amendment?

Mr. OVERTON. On page 39, line 9, my amendment would make the language read:

Such determination shall be made in accordance with State law.

The next amendment is on page 39, after line 15.

Mr. WHERRY. Mr. President, where would that be in the bill?

Mr. LUCAS. It would follow line 15.

Mr. OVERTON. The Senator is correct, it would follow line 15.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. VANDENBERG. I should like to submit a problem to the able Senator from Illinois which is disturbing me very much. It is with respect to some things which have happened since we dealt with the previous Lucas-Green bill. The Senator knows that I supported that bill. I supported a Federal ballot as assurance against the absence of effective State absentee ballot provisions.

Since the first Green-Lucas bill was defeated many of us have gone back to our States and urged the completion of effective arrangements for the transmission of absentee State ballots to our service men and women. For example, in the State of Michigan, the Governor has called a special session of the legislature, which will meet in a few days. At that time in all probability the voting calendar will be moved forward so that we can deliver a complete absentee State ballot for transmission to our armed forces probably not later than August 15.

All things being equal, I assume that every Senator will agree that it is preferable for the soldier to be given a State ballot if it can reach him, because the State ballot affords him total suffrage,

whereas the Federal ballot affords him only partial suffrage.

But what I wish to call to the attention of the Senator from Illinois, and about which I invite his comment, is the fact that it seems to me the text of the pending bill almost deliberately justifies the Secretaries of War and Navy in discriminating against the transmission of State absentee ballots. My belief in that respect is based on the fact—and I call it to the Senator's attention—that the language on page 37, in section 11, regarding the transmission of the Federal ballot, establishes priorities and most emphatically tells the Secretaries that it is their business to get the Federal ballots into the hands of the troops. But when we go to page 44, section 204, covering the transmission of State ballots, all that is said is:

The Secretaries of War and Navy shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate delivery and return of absentee ballots mailed to members of the armed forces pursuant to the laws of the several States.

It seems to me that that language by itself would operate as a discrimination against the transmission of State ballots. But it does not stand alone. In this interim the Secretary of War and the Secretary of the Navy have issued instructions to the Council of State Governors, and, among other things, they asserted on September 30, 1943, that the total weight of covering envelope, enclosed outer envelope and inner envelope, ballot, and voting instructions, would not exceed eight-tenths of an ounce, whereas, for example, the ballot in the city of Detroit weighs 2 ounces. So far as I can discover there is no State absentee ballot which weighs as little as eight-tenths of an ounce.

So, Madam President, I seem to be confronted with the fact that the text of the bill apparently discriminates against the transmission of State ballots. Certainly it does not offer the same guaranty of the transmission of State ballots as is offered for the transmission of Federal ballots. So the text of the bill not only apparently discriminates against State ballots, but we are told by the Secretary of War and the Secretary of the Navy that all State ballots weigh too much to be transported by any method.

I ask the able Senator from Illinois for his comment upon that challenging situation. The Senator will understand that it has nothing to do with my feeling toward the Federal ballot, but I do want the State ballot to be delivered to every soldier who can receive it, because that is the only way in which he can obtain his total suffrage.

Mr. LUCAS. Madam President, I appreciate what the Senator has in mind, and I also appreciate the fine work which he has consistently done in behalf of the uniform Federal ballot. I know exactly what he is thinking about. I also know that millions of persons are wondering whether or not they cannot have a complete ballot covering all the State officials in the same way we are trying to provide for Federal officials by the Federal ballot. I wish it could be done. If it could be

done, there would be no reason for bringing on the floor of the Senate the bill which is now sponsored by the Senator from Rhode Island [Mr. GREEN] and myself. That is the primary and basic reason for this proposed legislation. We cannot furnish to the troops in every part of the world all the different types and kinds of ballots which are required by the 48 States, which have enacted 48 different kinds of election procedures. The Army and Navy have made a careful analysis of the laws of the 48 States. They have definitely stated that they cannot do it.

Mr. VANDENBERG. They cannot do what?

Mr. LUCAS. They cannot transmit to the men overseas ballots from every State in the Union. For example, take Illinois. There are 102 counties in my State. In voting for State officials I wish to vote for my sheriff because he is one of the most important officials in my county. In order to insure the privilege of voting, it would be necessary to have 102 ballots coming from Illinois alone. Of course, all those ballots will have names upon them. The State set-up will be used. How are we going to supply 700,000 boys from Illinois with 102 different kinds of ballots?

Mr. VANDENBERG. I think it would be easy.

Mr. LUCAS. I should like to have the Senator tell me why?

Mr. VANDENBERG. Because it does not at all involve the procedure about which I am talking. If a service man or woman abroad sends a postal-card ballot to the secretary of state asking for an absentee ballot from his or her county, the secretary of state sends it to the county in which the member of the military service is registered, and in turn the service man or woman receives it precisely as he or she receives any other piece of mail.

Mr. LUCAS. How will the service man or woman receive the ballot when some States provide for less than 20 days and some States for only 12 days under the absentee-voting law?

Mr. VANDENBERG. I do not know. I have spoken of the State of Michigan. We are going to the extreme of calling the legislature together to accommodate ourselves in this situation.

Mr. LUCAS. I congratulate the Senator on that score.

Mr. VANDENBERG. Yes; but it will do no good, apparently, in view of the prohibition which is in front of us.

Mr. LUCAS. Oh, it will do a tremendous amount of good in removing the restrictions with respect to absentee-voting laws, in respect to registration and other conditions other than qualifications. West Virginia recently passed a law which allows 89 days from the time the soldier requests a ballot for the clerk to send the ballot to him and have it returned. I do not say that the ballot will go by air mail. The Army cannot take it by air unless we stop the war. The Army cannot take these ballots by the ton from every State of the Union. What was done in West Virginia was to give the soldier as many days as possible

for him to receive a State ballot wherever he might be serving.

In addition to that, they did the sensible thing of saying that on the first day of the 89 days the father or the mother or the sister or the next of kin could go to the county clerk and say, "Here is the name of my son, John Jones, who is serving in England. I want to make an application for a ballot for him." There are going to be thousands upon thousands of West Virginia soldiers who will vote under that plan. If the ballots do not go by plane, they will go by ship, and they will get back by ship in the 89 days' time.

Mr. VANDENBERG. Still the Senator, I think, does not answer my question.

Mr. LUCAS. I will come to the Senator's question and answer it. It has been stated definitely over and over again, among others, by Mr. Stimson in his report, joined in by the Secretary of the Navy, that they can take to every battle-front in the world one ballot, and one only, in one general election. That is his statement. I do not know upon whom we are going to rely if we cannot rely upon the Army and Navy with respect to the administrative difficulties which are involved in attempting to place State ballots with candidates from Governor down to sheriff in the hands of every individual in the armed services of his country. The military services cannot do it, though they will make every effort possible, and if it is possible to transmit the ballots they will do it. As soon as the States remove these restrictions, a greater opportunity will be afforded, whether the ballots go by air mail or by ship or what not; but it would break down the services completely if they were required to transmit all these ballots to every section of the world. Transportation and other facilities are not available for them to do it.

Mr. VANDENBERG. I follow the Senator's argument, but it seems to me that his compliment to the State of Michigan, for example, and to the State of West Virginia, for putting their absentee ballot laws in workable order for this purpose, turns to ashes on his lips when in the next breath he says that the ballots cannot be transmitted. What is the use of fixing this thing up if the net result is that there is no transportation available?

Mr. STEWART. Madam President, will the Senator from Illinois allow me to answer the Senator from Michigan?

Mr. LUCAS. I will yield to the Senator for that purpose.

Mr. STEWART. The Senator from Michigan evidently was not following the Senator from Illinois.

Mr. VANDENBERG. I was following him as closely as I could.

Mr. STEWART. Probably the Senator from Michigan was ahead of him.

Mr. LUCAS. He usually is.

Mr. STEWART. The Senator from Michigan is rather a fast-moving Senator.

I desire to call attention at this juncture to the fact that Colonel Cutler testified before the Privileges and Elections Committee to two pertinent and practi-

cally controlling situations with respect to the delivery of the ballots to the soldiers. In the first place, he said that the average weight of the absentee ballot of the various States, because it is transmitted in a large envelope, usually with a return envelope, and so forth, is about 3 ounces, and under the method employed for sending V-mail that 3 ounces would displace about 1,200 V-mail letters. He stated also that the most precious morale factor now is considered by both Army and Navy to be the ability of the Army to get V-mail letters from their family and friends delivered to the soldiers, and that in the European theater they are now unable to deliver half of the letters that reach the New York Post Office within a given time, a period of 2 or 3 weeks, as I recall his statement. Carrying it out as a matter of mathematics, if one 3-ounce absentee ballot displaces 1,200 V-mail letters when they are unable to deliver half of those now sent, with four or five million soldiers and sailors overseas, the Senator can see the seriousness of the situation.

Mr. TAFT. Madam President, will the Senator from Illinois yield to me for a moment to comment on what the Senator from Tennessee has said?

Mr. STEWART. Let me finish, please.

Mr. LUCAS. I yield further to the Senator from Tennessee.

Mr. STEWART. Confronted and faced with the absolute impossibility of delivering ballots to soldiers under such a plan it seems to me that we are confronted with the duty, then, of working out if we can something practical or simply dropping the matter. That is the way I look at it. I want to have the Congress take action which will enable the soldiers and sailors to vote.

The absentee ballot laws of the States require personal delivery to the soldier of the letter which is sent to him from the State. The over-all changes of address, so to speak, of the soldiers each day are in excess of 10,000 that are in this country and abroad, altogether, and God knows how rapid the changes will be when the invasion begins if it begins as we expect and hope it will next summer. So the military services are confronted, Colonel Cutler says, with another obligation it is practically impossible for them to perform, namely, personal delivery of ballots to the soldiers.

This bill contemplates the shipping of the ballots in bulk; that is, as I understand, simply by post cards, with no name on them. They do not become individual votes until they are signed by the soldiers themselves. Those are two reasons, if the Senator from Michigan please, that are most convincing to me.

The Army and Navy say absolutely that they cannot deliver these ballots, and that is why I am persuaded strongly on the side of this amendment. On a previous occasion I voted for the Eastland-McClellan-McKellar amendment. I voted for it with the statement that if it failed, I would vote for the bill anyway, because I am anxious to see an opportunity afforded for the soldiers and sailors to vote. I think it is a morale-building factor.

Mr. VANDENBERG. Mr. President, will the Senator from Illinois permit me to ask the Senator from Tennessee a question?

Mr. LUCAS. I yield for that purpose.

Mr. VANDENBERG. I fully understand the attitude of the able Senator from Tennessee. I agree that there ought to be a Federal ballot; there is no question about that; but I also continue to be incorrigible in my feeling that the only way a soldier can get total suffrage is on the State absentee ballot. It seems to me that the Senator from Tennessee is saying to me that title III of the bill is mere camouflage and superfluity, and it seems to me he is saying to me that I am recommending sheer nonsense to the Governor and to the Legislature of Michigan when I suggest that they go to the trouble of changing their entire election system so as to provide absentee ballots for Michigan soldiers. Is that what the Senator is saying to me?

Mr. STEWART. I will say to the Senator from Michigan that it seems to me that the soldiers are not going to vote if we do not pass this bill.

Mr. VANDENBERG. What does the Senator answer to my other question? Is title III merely language without any validity or force?

Mr. STEWART. Certainly not.

Mr. VANDENBERG. It is if the thing works as the Senator describes it.

Mr. STEWART. I was describing the transportation of State ballots, following the testimony of Colonel Cutler before the Committee on Privileges and Elections on the 20th of this month.

Mr. LUCAS. Madam President, the Senator from Michigan knows that recently 33 States in the Union had 30-day absentee-voting laws. In 14 of those States 5 mail services were necessary before a ballot could be cast.

Mr. VANDENBERG. I come from the enlightened State of Michigan.

Mr. LUCAS. I understand that, but there are other States in the Union besides the State of Michigan. The Senator does a magnificent job in taking care of Michigan, but there are some other States the legislatures of which have not seen fit to remove the restrictions which were adopted in peacetime and which have no application whatsoever to those who are serving in the armed forces, especially those overseas.

Mr. VANDENBERG. Granting all that, may I ask the Senator one question?

Mr. LUCAS. I will ask the Senator to wait just a moment.

Mr. VANDENBERG. Very well.

Mr. LUCAS. It is absolutely impossible for the Army and the Navy, even if they were to be given plane priority to carry the State ballots, to comply with the complicated machinery that is set up in 33 of the States. On that account alone, they could not get the ballots to the soldiers and back, even if they desired to do so. Until Illinois recently amended its law with respect to registration, there was not a single United States soldier coming from Illinois, serving outside the continental limits of the United States, who would have had an opportunity to vote, even if he had been given all the

plane priorities upon which the Congress could legislate. That is the point I am making. In other words, until the legislatures of all the States which have not removed the restrictions meet and remove them, there is nothing the Army and Navy can do about the matter. They could not deliver the ballots even if they desired. But the soldiers should be given opportunity to vote, and the legislatures should pass laws to make it easy for someone at home to make the application for the soldiers, rather than to require the serviceman in New Guinea, who is out there fighting for his life and yours and mine, to assume the initiative. So far as the State ballot is concerned, someone at home should be able to make the application. Everything possible should be done to give the soldier an opportunity to vote.

I undertake to say that the Army and Navy are sincere in what they are attempting to do. They have definitely stated that it would break down transportation, that it would almost stop the war, if they had to deliver all the ballots from the 48 different States under the 48 different procedures they have. This is what they say:

Voting for servicemen in wartime depends on practical considerations relating to military operations, duties, means of communication, etc. To the extent that overseas voting is dependent on air carriage of material by the services, it is subject to three factors beyond control—weather, war, and plane space.

Mr. President, that applies to the uniform Federal ballot also. There is a remote possibility that even the uniform Federal ballot, because of those factors, will not reach all the men, or perhaps a great portion of them, but there is only the slightest possibility, if we start dealing with the 48 States, that any of the ballots will ever reach the front line or the training centers outside the continental limits of the United States, due to the very things we are discussing here.

I read further from the statement of the services:

The effectiveness of any wartime serviceman voting law turns, not on the willingness of the services to cooperate, but on their capacity to carry it out. The services summarize below certain practical points which bear upon their ability to give effect to absentee-voting procedure.

The War Department and Navy Department do not advocate or oppose any particular voting legislation.

I wish to emphasize that, and make it perfectly clear. They have never advocated or opposed any legislative proposal that has been introduced by any Member of Congress. They have been charged with many things, but the charges are untrue, so far as the testimony shows. I am not referring to anyone on the floor of the Senate when I make that statement. I undertake to say that those in control in the services are just as much interested in trying to do something to afford the men in the service an opportunity to vote as is any other individual, and much more than some.

Mr. VANDENBERG. Will the Senator yield further?

Mr. LUCAS. I yield,

Mr. VANDENBERG. I am not charging the War and the Navy Departments with anything except this, that if their letter to the Council of State Governors on December 30 shall be adhered to, no State ballot will be transported overseas for soldiers and sailors to use in spite of title III.

Mr. LUCAS. Oh, yes.

Mr. VANDENBERG. And title III thereupon becomes mere window dressing.

Mr. LUCAS. The Senator is absolutely wrong about that.

Mr. VANDENBERG. That is what I am trying to find out about.

Mr. LUCAS. The Senator is absolutely incorrect upon that score. I again refer to the laws of West Virginia. I do not know whether it is true of any other State, but I know that when the Legislature of West Virginia recently enacted an 89-day provision, and provided that the father or the mother, the brother or the sister, or other next of kin, could go to the county clerk and make an application for the ballot, under that 89-day provision thousands of servicemen in England, in Hawaii, in Alaska, and at many other spots, will have opportunity to get ballots, because, even if the ballot has to go by boat, 89 days is a considerable time. No one need tell me that under this provision we are not encouraging and aiding voting by servicemen, because we want them to vote. I wish it were possible for every soldier to vote for every candidate, from the President down to sheriff, but because of the State laws as they are at the present time, it is impossible to get the ballots to them.

Mr. VANDENBERG. What good does it do the State of Michigan to change its State law if, after we change the law, the War and Navy Departments will not take our ballot because it weighs over eight-tenths of an ounce?

Mr. LUCAS. They will take the ballot, in my humble opinion. Where the serviceman makes request for a ballot, it will go, the same as any other piece of mail. That is what Colonel Cutler said. What they are telling us is that if we want to get any plane priority in connection with the ballots, the States would better cut the ballots down to the size indicated.

Mr. MOORE. Mr. President—

Mr. VANDENBERG. Just a moment. I think probably our ballots will go by boat cargo, the same, I suppose, as all the Government publications about which we have heard, the pamphlets about Victory, and the Terms of Ultimate Victory, and the United States Navy, and a lot of things which are not quite as valuable as ballots.

Mr. GUFFEY. Mr. President—

Mr. VANDENBERG. I do not include the Senator from Pennsylvania in anything I am saying.

How about getting the State ballots back, Mr. President? We can get them over to the men, let us say, by ship. We cannot have the same service the Federal ballot has; the State ballot has to go by ship instead of air. But how about getting it back? Are we not at least entitled to have it brought back by air?

Mr. LUCAS. It cannot be done under the facilities of the Army and Navy, and for another reason. The ballot the Senator is now discussing is filled out by the individual. That ballot goes to Africa, let us say. We do not know when the ballot will get there.

Mr. MOORE. Will the Senator yield?

Mr. LUCAS. In a moment. We do not know when the ballot will reach Africa. We do not know where the soldier will be when the ballot arrives. No one knows how much time will elapse before the ballot is voted. In other words, every individual has to stand on his own; he has to assume the initiative. Under the State law he has to go somewhere and execute the ballot in secret.

I do not know how the State law would cooperate with the Federal Government along that line. I presume the States have provided, and must provide, through their legislatures that the serviceman would have a right to go before a noncommissioned or commissioned officer and swear to his qualifications. If the States do not change their laws, some of the boys will have quite a hard time finding a notary public among the Arabs in northern Africa. Many of the State laws provide that one who votes an absentee ballot must swear to it before a notary public. All those questions arise when we attempt to say that the servicemen should vote through the State process.

Mr. VANDENBERG. I agree that all those questions arise, but even if they are all favorably resolved, I do not see what difference it will make if the Secretary of War and the Secretary of the Navy are going to put suffrage on a weight basis from now on.

Mr. LUCAS. The Senator may call it on a weight basis if he desires. They are putting it on a military basis, if you please. They are putting it on the basis of it being impossible to do what the Senator from Michigan says he believes they should do. As one who has been interested in this question for some time, what am I to believe with respect to this subject when the Army and Navy tell me and tell the committee that they do not have the plane space in which to handle what the Senator from Michigan is attempting to say they should handle? I am sure the Senator does not want to interfere with the war effort in any way in connection with the ballots.

Mr. VANDENBERG. The Senator is correct.

Mr. LUCAS. I am sure the Senator wants the letters coming from and going to the soldier and his folks to continue to travel by boat or plane, or however they can be carried. Colonel Cutler testified that in the event they attempted to do what the Senator now says they should do, there would be some 6 or 8 months when the boys would not receive a single letter from home, and would not be able to send a single letter back from the front to their families. That is quite a problem. Letters are the greatest builders of morale on the fighting front, and I am not willing to say that we should insist on legislating to the end that the Army and Navy shall do what is sug-

gested, when they say definitely that they cannot do it. We would thereby perpetrate a fraud, so to speak, upon the soldiers who hope for an opportunity to vote, and also upon the folks at home who want their loved ones who are in the armed forces to have the opportunity of voting some kind of a ballot.

Mr. VANDENBERG. That is precisely the point. I do not want to perpetrate a fraud on the people at home who may be led to believe that title III amounts to something when apparently it does not.

Mr. LUCAS. I do not agree with the Senator at all.

Mr. HATCH. Mr. President—

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. LUCAS. I yield to the Senator from New Mexico.

Mr. HATCH. I wish to say on that particular point—and I must confess that I have not studied the bill, and was not able to be present at the committee meeting—that title II seems to me—

Mr. VANDENBERG. It is title III. State voting.

Mr. HATCH. I am referring to the title which provides that the rights of the voters shall not be restricted. The State of Michigan, if it so desires, can call its legislature into session.

Mr. VANDENBERG. We have done that.

Mr. HATCH. And can pass such absentee law as it desires.

Mr. VANDENBERG. We shall do that.

Mr. HATCH. Providing for total suffrage.

Mr. VANDENBERG. We shall do that.

Mr. HATCH. There is nothing in this measure which would prevent the State of Michigan from doing that.

Mr. VANDENBERG. That is where I disagree with the Senator, because I think that when the measure deliberately uses totally different language when instructing the War Department and the Navy Department with respect to the transmission of ballots, Federal and State, as it does, it puts us on notice that the State ballots are not to be transmitted, in view of the statements made officially by both Departments that such ballots cannot be transmitted.

Mr. HATCH. Mr. President, my thought is that the State of Michigan would be deprived of the advantages given the Federal ballot under this particular bill, but the State of Michigan could still make its own arrangements, send its absentee ballot by regular mail to the soldier, wherever he might be, who could vote and have it returned. The only thing the State of Michigan needs to do is to provide ample time so it can be done. There is nothing in this measure which would prohibit or prevent the State of Michigan from doing it, but the State of Michigan would be deprived, if it has an excessively heavy ballot, of having the advantage of the transportation and the cooperation of the Army.

Mr. VANDENBERG. I entirely agree with the Senator that there is nothing textually in this bill which deprives the State of Michigan of the opportunity of sending an absentee ballot through the mail and waiting for a soldier to send it back through the regular, ordinary mail. But I submit that when the question of a voting calendar is concerned, all that we can do back in the States—and Michigan is only one of several States which are making this very earnest effort—the only thing we can do is to get our ballots ready, say by the middle of August, so as to give ample time for the procedure. It seems to me that when we have done that, we should not confront what apparently is a statutory discrimination against State ballots. Obviously we do confront such a situation in the text of this bill, particularly as it is illuminated by the very significant observations contained in the regulations of the War Department and the Navy Department. I do not think that is fair.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Kentucky.

Mr. BARKLEY. It seems to me that under title II the language goes about as far as it could go in making it the duty of the Secretary of War and the Secretary of the Navy to transmit the ballots, insofar as practicable and compatible with military operations. The Senator from Michigan does not want them to go beyond that.

Mr. VANDENBERG. The Senator perhaps has not been present during all the discussion—

Mr. BARKLEY. Yes; I have been.

Mr. VANDENBERG. Has the Senator read the language which describes the duties of the Secretaries with respect to the Federal ballot on this same score?

Mr. BARKLEY. Yes; I have.

Mr. VANDENBERG. It is a totally different sort of construction.

Mr. BARKLEY. Let us assume that it is the Federal ballot which we are making it their duty to administer as a sort of priority. If it does have that effect there must be, and in my judgment there is, reason for it. I do not know whether it will be possible—I do not suppose anyone knows whether it will be possible—for all these ballots, both State and Federal, to be taken to the soldiers and sailors wherever they may be around the world. If there are transportation facilities enough to get both State and Federal ballots to the soldiers, we might assume that many of the soldiers and sailors would receive two ballots, one of which would be a Federal ballot and one of which would be a State ballot. On the State ballot would be the names of all the candidates for local offices as well as the Federal candidates for office. On the Federal ballot would be only the candidates for Federal offices. The serviceman would have his choice as to which of the ballots he would vote. He would not vote both of them. If he did they would not both be counted.

Mr. VANDENBERG. If the Senator will permit me, I do not think the serviceman will ever receive the State ballot.

Mr. BARKLEY. I do not agree with the Senator from Michigan. It may be entirely possible that the soldiers will never receive State ballots from many States because there will not be enough time elapsing between the date when the requests are made and the date of the election to enable them to receive the ballots. Under the terms of the pending measure they would receive the Federal ballots, and to that extent, which is as far as we can go, I imagine, they would be reenfranchised, to the extent that they could vote for Federal officers.

Mr. VANDENBERG. That is the reason I am in favor of the Federal ballot by way of assurance.

Mr. BARKLEY. Yes. So that this measure seems to me to offer assurance that where the physical difficulties in the way of getting the State ballot to the soldiers are insurmountable, they will have the Federal ballot which they can exercise, because its transmission probably will be more rapid. It might be lighter in weight. Various equations enter into the possibility of the Federal ballot reaching the soldier and his casting his vote under it.

I agree with the Senator from Illinois that there are many States which have not as yet shortened, and may not in any way shorten, the period of time; and if some of them do not shorten it, I imagine that there will not be enough time for the soldier in New Guinea or in Australia or even in Italy to get his request home for a ballot before the election has taken place.

Mr. VANDENBERG. I agree with all that. There ought to be a Federal ballot to meet that situation. What I am complaining about is that all the States have been put on notice that if they will have special sessions of their legislatures—

Mr. LUCAS. Who put them on notice?

Mr. VANDENBERG. The Senate of the United States, by the action it took in the passage of the Eastland, and so forth, bill.

Mr. LUCAS. That might be. I am not saying that is not so—but the Senator from Illinois was not a party to that misapprehension. The only thing I have ever said, and I said it 4 months ago, is that the people, in my judgment, if they really understood this matter, would applaud any Governor who would call a special session for the sole purpose of removing restrictions and conditions which make it absolutely impossible for a soldier even in this country to vote by an absentee ballot. That is all I said. The only reason for the legislation now before the Senate is because of the very condition about which the Senator from Michigan is now complaining.

Mr. VANDENBERG. I understand that fully. The fact remains that certainly the Governors and legislatures of the States were put under a period of heavy pressure and argument from countless different sources during the last few weeks and month or two to get their States in position to provide early absentee-ballot laws for their service men and women.

What I am now complaining about is that when my State, among others, goes

to that extreme—and we are very happy to do it because we believe in it—we should now confront such a situation that apparently all this effort, or most of it, is to be invalid and futile—

Mr. LUCAS. No.

Mr. VANDENBERG. Or at least that there is to be no guaranty that the State ballot is to have comparable consideration with the Federal ballot.

Mr. LUCAS. I agree with the last statement made by the Senator. The State ballot will not have a comparable position with the Federal uniform ballot; and if it did have, the legislation now proposed would never have been introduced in the Senate of the United States. That is the real purpose of it. It is because of all the reasons which have been assigned by the Army and the Navy with respect to the complications which are involved in attempting to get a State ballot to the soldiers everywhere in the United States and in all parts of the globe that the Federal ballot measure is with us. The Senator is constantly making the argument that we have here from the beginning been striving to provide a uniform Federal ballot. He sets forth the view that the States do not know what they are doing with respect to calling special sessions of their legislatures and that they are calling them under some sort of a delusion that they are going to get ballots to the soldiers everywhere through plane priority. I undertake to say there never has been anything in the legislation which would cause any Governor to call a special session with the understanding that he was going to get the State ballots placed on the same basis as the Federal ballots.

Mr. VANDENBERG. Mr. President, can the Senator tell me whether anyone ever heard, until December 30, of any proposal to limit the transportation of State ballots to those of a weight of eight-tenths of an ounce?

Mr. LUCAS. That may be true; I do not know whether the Army and the Navy had made a thorough and exhaustive study and search with respect to all the ballots which would be required in connection with elections in all the States and all the counties and all the cities in which the population is 25,000 or over. The Census Bureau of the Department of Commerce recently said that—

In 1942 elections in the United States for Federal, State, county, and municipal offices in cities having a population of over 25,000 were held on 99 different dates; that is to say, elections for the above offices occurred somewhere in the United States on 1 day out of every 4 days throughout the year.

It can readily be seen how administratively impossible it would be for the Army and the Navy to carry out effectively such enormous responsibilities, in view of the fact that elections are being held somewhere in this country every 4 days. If they are to do it for one, they must do it for all. The only way to meet the situation is to have the uniform Federal ballot, and the only reason why the bill for the uniform Federal ballot is before the Senate today is because of what was said in the Depart-

ment of Commerce report and because of what the Army and the Navy said.

Let me read a statement from the Secretary of War and the Secretary of the Navy:

The War Department believes that it is its duty to call these practical difficulties to the attention of the Congress. It would endeavor, to the best of its ability, to administer whatever laws the States might enact pursuant to congressional recommendation. But the exigencies of war circumscribe cooperation. With but a single law to administer, involving a single air-carriage of lightweight ballots in bulk overseas and a single air-carriage of such ballots in bulk back to America, the accomplishment of servicemen voting outside of the United States remains only a possibility. Anything more onerous than such a procedure would be, to the extent of its burden in space, time, and diversity, a more remote possibility.

Mr. VANDENBERG. Mr. President, let me ask the Senator one other question, and then I shall subside, at least temporarily. On page 37, the language in respect to the transportation of the Federal ballot reads as follows:

SEC. 11. The Secretaries of War and Navy and other appropriate authorities shall take all steps necessary to give to the transmission and delivery of ballots and communications under this title priority over all unofficial communications and priority over official communications except where, in the judgment of the appropriate military and naval authorities, such priority would interfere with the effective prosecution of the war.

In other words, it remains completely and totally discretionary.

Mr. LUCAS. That is correct.

Mr. VANDENBERG. Why is not the Senator willing to apply precisely the same language and the same discretion to the State ballots?

Mr. LUCAS. It gets right back to the point the Senator is discussing: It cannot be done. I am not going to be a party to legislation which will say to the States, "Well, there is this possibility, and you can depend upon me to do everything I can do to see that the Army and the Navy carry this out."

Mr. VANDENBERG. Mr. President, let me inquire as to what the Senator is now saying. Is he saying that there is no hope for the delivery of State ballots?

Mr. LUCAS. I just now read the statement to the Senator, and it cannot be read too many times. It is the statement of the position of the Army and Navy:

Anything more onerous than such a procedure would be, to the extent of its burden in space, time, and diversity, a more remote possibility.

The Army and the Navy said that in the first instance there is a possibility that they cannot even make delivery of the uniform Federal ballots, but that anything more onerous than that would make it a remote possibility. I take the same position in view of the statement which has been made time after time by the experts from the Army and the Navy who have made a particular study of this matter.

Mr. VANDENBERG. Then title II is equally remote and equally improbable of any hopeful or effective use; is not that true?

Mr. LUCAS. Insofar as section 11 is concerned—the section dealing with priorities—it does deal with the Federal ballot. That does not mean that the Federal ballot is going to have plane priority. If the Congress of the United States sees fit to pass the uniform Federal ballot law, within the next 30 days, those ballots could go out in bulk. Because they are uniform, they could go everywhere, and the same ballot would apply to the soldier in New Guinea and to the soldier in Africa. It would not be necessary to take those by plane priority. But as to the ballots themselves, after they are executed, we do ask that they be brought back by plane priority. The Senator will remember that under the bill a certain day is set aside for the soldiers to vote, in whatever area they may be training or fighting. Then the ballots will be collected, and all coming from that area will be placed in a bag and sent back by plane to the United States.

Mr. VANDENBERG. Mr. President, I am sure the Senator will agree that we want to be frank with the States about this matter.

Mr. LUCAS. I want to be frank with the States, and I have tried to be frank with the States from the beginning. If the States could have done the job, there never would have been any Federal legislation before us. Candor is the real reason for Federal legislation.

Mr. VANDENBERG. Mr. President, will the Senator be kind enough to be frank, and to state what his message is to the Governor and the Legislature of Michigan, respecting any advantage they may hope to obtain by way of amending the Michigan absentee voters' law so that Michigan servicemen and servicewomen will be able to have the advantage of total suffrage? Will the Senator state to them now, through me, in the Record, what use there is in having any Michigan legislative action taken upon this problem, and what advantage we might hope to have accrue therefrom?

Mr. LUCAS. I am not familiar with the election laws of the State of Michigan; and until I make an examination of those election laws, I will say frankly to the Senator, I do not think I would be competent to advise the Governor and the Legislature of Michigan what they could do in the way of amending the State laws so as to help in the present situation.

However, I did write a letter to the Governor of my State, making certain suggestions, saying that I thought the legislature could pass certain laws which would give the servicemen serving in continental United States an opportunity to vote for everyone on the ticket; and I commended the Governor of Illinois for calling the legislature into session in order to have it remove the unusual restriction which requires five mail services before a man can vote an absentee ballot. In Illinois, a man could not vote an absentee ballot if he were serving at Camp Meade, Md., for instance, unless there were five mail services within a period of 30 days.

Mr. BROOKS. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BROOKS. The restrictions the Senator speaks of have now been removed by the legislature of Illinois.

Mr. LUCAS. The Senator is correct.

Mr. BROOKS. And if the Army and Navy authorities had not made an arbitrary ruling about what weight of ballots they would carry, the soldiers would have the maximum opportunity for complete suffrage, would they not?

Mr. LUCAS. I would not say the maximum opportunity for complete suffrage, because we are dealing with 48 States—

Mr. BROOKS. I am talking about the State of Illinois, and the sons and daughters of Illinois. Would not they, under our law, have the maximum opportunity if there were not that restriction on the weight of ballots?

Mr. LUCAS. No; I would not say so. I would not say that the 45-day limitation adopted by the State legislature was sufficient. In my letter to the Governor I recommended that 60 days be the minimum. I also recommended to the Governor that the father, mother, brother, sister, or next of kin be allowed to make the application immediately, as was done in the State of West Virginia. Until that kind of legislation is enacted in each State, as I see it there will not be the maximum opportunity for those men to vote in the coming election.

Mr. BROOKS. Mr. President, will the Senator further yield?

Mr. LUCAS. I shall yield in a moment. The Army and Navy have definitely stated that they cannot handle the ballots from every State in the Union. We have 102 counties in Illinois. We have 102 different kinds of tickets in Illinois. If the Army and Navy are going to carry State ballots in the same manner as they carry the uniform Federal ballot, they will have to carry 102 Illinois ballots to every camp in this country and every camp overseas. No one knows where the 700,000 or 800,000 boys are serving. The letters written some time ago by the Secretary of War and the Secretary of the Navy stated that they will not give the names, serial numbers, and military addresses of servicemen voters. They will give no data as to military or naval establishments at which servicemen voters of the States are located. So when we are attempting to deal with a uniform Federal ballot—a uniform write-in ballot—it is an entirely different problem from dealing with 102 different ballots with the names printed on them. In the State of Illinois there would be 102 different ballots, to be sent to every camp in this country and every camp overseas, because we do not know where the boys are serving. In order not to miss any of them, the ballots would have to be sent everywhere.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. KILGORE. Is it not a fact that under the present system, with the men moving about so rapidly, even if a directory were prepared, the directory would be out of date before it was received?

Mr. LUCAS. The testimony showed that 60 days would be required before a directory could be prepared giving the

addresses, and that, at the end of the 60 days, from 600,000 to 800,000 would have moved from where they were when the cataloging process was started. Every day 10,000 men are moving to new locations. All one has to do is to get on a train and see the number of servicemen coming and going everywhere.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. I should like to examine the statement that the Army and Navy cannot transport these ballots abroad. I have been told, and I think the reports show, that by next November there will be approximately five and a half million men abroad. Assume that of the five and a half million men, 4,000,000 will vote. I think that is a very liberal allowance, because many of them are not qualified, or may not desire to vote. Certainly 4,000,000 would represent the maximum which would apply for State ballots. Assume that the ballots weigh 2 ounces each, which, I understand, is about an average for State ballots. There would be 250 tons of ballots. I challenge the assertion of the Army and Navy that they cannot carry by air 250 tons of ballots. I am told that today nearly 10,000 tons are being carried by air over the "hump" in China, the most difficult place in the world for flying. Now, in order to conduct an election they cannot carry 250 tons by air.

Furthermore, is it not true that, so far as the European theater is concerned, where far more than half the men are serving, the ballots could go by boat and return by boat, if the States would allow 60 days for the ballots?

Mr. LUCAS. That is the point I have been making right along. If the States will allow sufficient time, there is no doubt that a great number of the servicemen will have an opportunity to vote.

Mr. TAFT. Every State that I know of is prepared to change the dates of its primaries, and do anything to give the men 60 days, so as to make sure the ballots are delivered. I do not see how the State of West Virginia can allow 89 days unless it is willing to assume that the President is to be nominated for a fourth term at the Democratic convention. On the basis of that assumption, it can print the ballots 89 days in advance. Otherwise it cannot.

Mr. LUCAS. Mr. President, I should like to continue to talk about the bill rather than politics.

Mr. TAFT. Aside from that question, if the States will enact laws allowing 60 days, the ballots can be printed as soon as the Democratic candidate is nominated. In Ohio we are about to enact such a law. Our ballots can be printed the moment the Democratic candidate is nominated. So far as the State of Ohio is concerned, State nominations are made in May. I cannot understand why those ballots cannot be taken by boat to the whole European and African theater, thereby reducing the 250 tons to 100 tons. I cannot see why the Army and Navy cannot carry 100 tons by air to the Pacific area and other parts of the world.

The truth is that from the beginning the Army and Navy have been determined to have Federal ballots. They have been determined not to have State ballots. Every statement they have made has been to that effect. This week the statement made to the House committee by the Secretary of War is distinctly in that direction. I do not wish to call it a partisan statement, but it is a statement in favor of one kind of measure before Congress as opposed to another kind being considered by the House committee.

Mr. LUCAS. Mr. President, I hope the Senator will not take any more of my time. I hope he does not consider Secretaries Knox and Stimson as partisans, unless he is talking about Republicans.

Mr. TAFT. In my opinion Secretaries Knox and Stimson are today working for a fourth term. I say that in the most kindly spirit. It is only natural that men who have the responsibility which they have are convinced that their continuance in office after the next election is essential to the welfare of the world and of this country.

Mr. BARKLEY. Mr. President, is the Senator from Ohio going to try to convince the people of Ohio that his presence here is equally indispensable?

Mr. TAFT. I think it is perfectly natural on their part. I only say that they have assumed a partisan position in connection with this bill, and that I do not believe what they say regarding the inability of the War and Navy Departments to transmit the ballots to soldiers throughout the world.

Mr. FERGUSON. Mr. President—

Mr. LUCAS. Mr. President, I will not yield further.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. EASTLAND. Mr. President, will the Senator yield to me so that I may submit an amendment?

Mr. LUCAS. I yield for that purpose.

Mr. EASTLAND. Mr. President, on behalf of myself, the Senator from Tennessee [Mr. McKellar], the Senator from Arkansas [Mr. McClellan], the Senator from Louisiana [Mr. Overton], the Senator from Alabama [Mr. Bankhead], the Senator from Georgia [Mr. Russell], the Senator from Virginia [Mr. Byrd], and the Senator from North Carolina [Mr. Bailey], I submit an amendment and ask that it lie on the table and be printed.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LUCAS. No; I decline to yield.

Mr. FERGUSON. I should like to explain the history of this section.

Mr. LUCAS. Let me say a word in reply to my distinguished friend from Ohio, who has brought the political issue into this discussion. I wish to say a word or two about Secretaries Stimson and Knox.

Mr. OVERTON. Mr. President, will the Senator yield to me so that I may submit an amendment?

Mr. LUCAS. I yield.

Mr. OVERTON. I submit an amendment which I ask to have lie on the table and be printed.

The PRESIDING OFFICER. The amendment submitted by the Senator from Louisiana will lie on the table and be printed.

Mr. LUCAS. Mr. President, I am shocked at the statements made by the very distinguished Senator from Ohio. The Senator from Ohio is on record as being in favor of the original bill which was introduced by the Senator from Rhode Island [Mr. Green] and myself.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. In a moment. The Senator has already consumed a great deal of my time.

Mr. TAFT. That statement is not true.

Mr. LUCAS. Did not the Senator vote for my bill?

Mr. TAFT. I voted against the Eastland amendment, but if the Eastland amendment had failed I had another proposal, which I intended to offer as an amendment to this bill. I never stated that I was in favor of the Senator's bill, nor am I on record to that effect.

Mr. LUCAS. Perhaps I should be corrected. The Senator did vote against the Eastland amendment. I had a right to assume that he was voting along statesmanlike lines, but perhaps I am mistaken.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me for a moment?

Mr. LUCAS. I am glad to yield to my good friend the Senator from Missouri.

Mr. CLARK of Missouri. I merely wish to express my indignation at the idea that the Senator from Ohio would charge Stimson and Knox with being members of the Democratic Party.

Mr. LUCAS. That was what I was about to address myself to for a moment. I regret that I am compelled to talk about that issue. I did not think we would have to discuss it. I barely know Colonel Stimson. I do know Colonel Knox very well. Since I have been in the Senate, I have never yet heard anyone on the Republican side of the aisle, so far as I can remember, commend either one of these men for leaving responsible private positions and coming to Washington in the greatest crisis the country has ever faced to attempt to do a conscientious piece of work in behalf of their country. I have no brief for either one of these men. They owe me nothing and I owe them nothing. However, I believe I recognize patriots when I see them. I undertake to say that Henry Stimson is one of the great patriots of the Nation. He had vision and "guts" to back up what he saw coming in the long ago. If we had followed his advice back in 1931, we might not be debating today in the United States Senate on the right of soldiers to vote. For the Senator from Ohio to rise on the floor of the Senate and make the charge that Mr. Stimson and Mr. Knox are campaigning for the fourth term is purely political poppycock of the highest type, and he knows it.

Mr. BARKLEY. Mr. President, I should like to amend the Senator's statement by saying that it is of the lowest type. [Laughter.]

Mr. LUCAS. The Senator may be correct; whether high or low it is still political poppycock.

Mr. President, the soldiers' voting bill, for some cause or other, has reached the point where some individuals are willing to charge other individuals with almost anything if they can throw up a smoke screen as to their real reason why they are not going to vote for the Lucas-Green bill. That is the truth of the matter. I have been charged with almost everything by certain persons, as well as a segment of the press, with respect to my attitude and my interest in this bill. I am in the same class as Knox and Stimson. I am in pretty good company, too. I am glad to be so classified.

Mr. President, last summer I made an examination of what had happened to Public Law 712, insofar as the men and women in the armed services having an opportunity to vote was concerned, and discovered that only 28,000 of the potential number in the Army of 5,000,000 had really cast their ballots. It was at that time that I came back to Washington and started to do some research work in connection with how the mechanics of Public Law No. 712 could be amended in order to give the servicemen an opportunity to vote.

Last July I made the statement in Chicago that every man on every ship, on every island, and on every continent, yea wherever he was fighting, should have a real opportunity to vote, and I have never made any change in that statement. I make no change today, and I care not whether the sentiment of the soldiers and sailors is Democratic or Republican. I care not whether they are against Knox or Stimson or for them. I care not whether they are in favor of the President of the United States, or opposed to him. They have a God-given right under the Constitution to exercise their franchise.

If, Mr. President, the long arm of Uncle Sam can reach out and literally pick up a boy from my home town and transport him overnight to England, to Africa, or to Guadalcanal, there to die for you and me while we stand here and debate this issue in the Senate, then I undertake to say that Uncle Sam must endeavor to get the ballot to that boy. All I have attempted to do from the inception of this proposed legislation was to make the law easier to comply with, and to make an unworkable law workable, if you please.

That is why I am now interested in this bill. Let it be understood, I am not going to start writing my fellow officers in the service. I am not going to start writing men in the National Guard in Illinois who are fellow officers of mine, many who are now serving overseas, to find out if they want to sneak around and take a little sample poll as to how the boys are going to vote. I will leave it to Mr. Harrison Spangler to take a poll of the vote of the boys.

Yes, Mr. President, we have been charged with politics in connection with this bill. Who is playing politics when the Senator from Ohio rises and belittles Colonel Knox and Colonel Stimson? Then Spangler comes along with his secret vote of the boys overseas. Oh, he is interested in a representative principle of government. He is not interested in seeing how the boys would vote over there. If we take Mr. Spangler's statement that 56 percent of the boys over there are going to vote Republican, the doubting Senators on the Republican side of the aisle should vote accordingly. It will please Spangler, their national chairman.

Mr. President, I am sick and tired of individuals charging indirectly and with innuendo that somebody is trying to do something about the fourth term. Let Senators on the other side keep on fooling around with this bill in the way they are doing, and I will guarantee that Mr. Roosevelt will be reelected for a fourth term. Let them keep on laying blocks and rocks in the path of the men in the armed forces, and they will finally find out what is going to happen. They are doing everything possible to aid the Democrats as a result of the delaying tactics which they have been using here in connection with this bill.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. VANDENBERG. Is the Senator referring to my discussion this afternoon?

Mr. LUCAS. No.

Mr. VANDENBERG. I have been interrogating most of the afternoon.

Mr. LUCAS. There is not a chance that I would so refer to the discussion of the Senator from Michigan, because he is as fair a man as there is in this Chamber. I never have any argument with him. He is always friendly and always seeks information.

Mr. TAFT. Mr. President, does the Senator care to have me interrupt him at this point?

Mr. LUCAS. Mr. President, I shall be glad to be interrupted. However, I do not want a speech.

Mr. TAFT. Only on the main bill. I wish to call the Senator's attention to the fact that we passed a bill. I invite his attention to the fact that his friends in the House of Representatives have done everything they can possibly do to delay and prevent the enactment of the bill. The bill was reported by the House committee and is now before the House. The very effort made here to bring this bill up is an effort to delay the enactment of a soldiers' voting bill. It is not a question of whether the soldiers should vote or not; it is a question of whether the soldiers are to be given the opportunity to vote by State ballots or by Federal ballots.

Mr. President—

The PRESIDING OFFICER. Does the Senator yield further to the Senator from Ohio?

Mr. LUCAS. I do not yield further, because the Senator has not asked a question.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. FERGUSON. I wish to assure the Senator that I am in favor of the Federal ballot bill, as I declared in the Committee on Privileges and Elections.

Mr. LUCAS. I know the Senator is in favor of such a ballot, and I appreciate his help. He has been in favor of the Federal uniform ballot all the time.

Mr. FERGUSON. I should like to explain the theory of the particular provision now under discussion.

When the original bill was before the Senate last December, I proposed an amendment to cure what I considered a defect in the bill. The amendment provided that steps be taken to assure that the State ballot would be carried to the soldiers and brought back as the Federal ballot would be.

After conference with Colonel Cutler, I decided that it was the opinion of the representatives of the Army that the provision could not be carried out, and so that the public and the States might not be misled, I did not call up that particular amendment. But when the bill came before the Committee on Privileges and Elections the second time I again proposed the identical amendment. It was then that we took testimony to decide whether or not the amendment could be inserted in the bill, and, if it could be, whether it could be fairly administered. After hearing the testimony, I came to the conclusion that it was not possible to administer it, but that if such an amendment were put in the bill the Army and Navy would at least attempt to effectuate it to the best of their ability. So it is because of that condition that we have the difference between the Federal ballot and the State ballot. One difficulty is that the Federal ballot shall have priority over official as well as unofficial mail. The other is that on page 44, beginning with line 4, this provision is found:

The Secretaries of War and Navy shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate delivery and return of absentee ballots mailed to members of the armed forces pursuant to the laws of the several States.

Colonel Cutler, in his testimony, was frank to say that if we incorporated in the bill the same provision with reference to State ballots which was adopted in relation to the Federal ballot we could not hope that it would be taken care of in the same way. I think he had a proper and adequate explanation for his statement so far as the Army and Navy are concerned. I believe the morale of the boys at the front would be much higher if they were able to get mail promptly from their parents and families back home. It was for that reason that we adopted the provision found in the bill. I think it is clear in the bill that the Army and Navy do not intend to use the same means and facilities, that is by air, in transporting the State ballots as they do in transporting the Federal ballots. I think the bill so shows upon its face. It clearly shows that they will do what they can, what is practicable and compatible with military operations; but I still think that several States should see to the enactment of laws that will give as much time as possible, so that the State ballots may be transported

by boat or other means rather than by air mail. While we should not hold out too much hope that they will be transported to the soldiers and returned, yet if the war is going well with us as we hope it will, then the State ballots will go across and will be returned.

I think this section clearly indicates to each State that it is really their duty in order that soldiers who are their citizens may vote State ballots, to advance their primary dates and allow at least 65 days between the dates when the ballots are printed and the time when they shall be returned to be counted.

That, I think, is a fair history of this provision. I believe it means just what it says, that while the Army and Navy will not lay aside priority on their official mail and priority on the Federal ballot, they intend to use what facilities they have to see that the State ballots are cast. I wanted this statement to appear in the RECORD so that each State will feel that it has something to look forward to if it will advance the dates and put its election laws in proper order. I can only recommend to the States that they do their very best to keep the size and weight of their State and local ballots to the lowest minimum so that the Army and Navy may be able to transport them with the least possible weight, thus permitting them to transport more munitions at the same time the ballots are being transported.

Mr. BARKLEY. Mr. President—

Mr. LUCAS. Mr. President, before yielding, I wish to compliment the Senator from Michigan upon the very clear-cut statement he has made with respect to that very important and vital issue. I now yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I appreciate the frank statement the Senator from Michigan has made of his attitude in this matter. What he has said and the situation which he has described make it imperative that the States facilitate with all possible speed the printing and handling and readiness of their ballots so that they may be transported by whatever method is practicable to the soldiers wherever they may be.

Mr. FERGUSON. That is true.

Mr. BARKLEY. So that they may exercise the right of voting for all candidates locally as well as nationally, if they want to do that.

Mr. FERGUSON. That is also correct. It was with that idea that I wanted to get the floor in order to explain the real meaning of this provision so that the States would not feel that there is no chance of their soldiers voting for State officers.

I think we must all recognize, as the Army and Navy recognize, that the boys and the men at the front must receive mail in the regular channels so far as their families are concerned, because it is essential to take care of their morale; but we must do all we can to see that as many State ballots as possible are sent to the soldiers and sailors at the front and elsewhere. That was the thought I had in mind, and I hope that every State of the Union will do all it can to have the

men at the front vote not only for Federal officials but for State officials, because our Government goes right down into the lowest office at home as well as to the top offices in Washington.

Mr. WHERRY. Mr. President—

Mr. LUCAS. I yield to the Senator from Nebraska.

Mr. WHERRY. I thank the Senator from Illinois for his statement and explanation. The State Legislature in Nebraska has not as yet convened. It is waiting to hear what procedure it should adopt in order to enact a ballot law which will correspond with the Federal act and provide the most feasible way for Nebraska soldiers to vote.

I voted for the Eastland amendment to the original soldiers' voting bill, not because of the question raised as to the qualifications of electors, since every State has already taken care of that, but because it seemed to me the original bill did not provide opportunity to vote for local tickets from Governor down when it was providing for a Federal ballot. I think I understand, from the explanation made this afternoon, the difficulties involved.

There is a question I should like to ask the Senator from Illinois if he will be kind enough to answer. I do not want to keep him on the floor any longer than he wishes but inasmuch as he has suggested the advisability, insofar as possible, of permitting fathers and mothers or the next of kin to make application for absentee voters, and since I was not present when the Senator made answer to the so-called Danaher amendment, in view of the fact that this is a question of transportation and it is admitted, apparently, by both sides of the aisle that there will be some doubt whether or not there will be any local candidates voted for at all, because of the inability to transport ballots, what would be the objection, if the Senator cares to answer the question, to taking the next step and letting the next of kin be given power of attorney and permitting the father or mother to vote for the soldier so as to eliminate all difficulty as to transportation. If the Senator can briefly answer the question, I shall appreciate it.

Mr. LUCAS. I shall be glad to try to answer as best I can. My only thought with respect to having the father or mother or next of kin make application for a ballot had to do with the matter of expedition. It would take off the soldier the responsibility of assuming the initiative in the first instance to write for the ballot. He is a busy man. He may be out in the field for 10 days on maneuvers, or he may be in the front line for 3 or 4 days, and when he comes back he wants a rest and does not want to spend time writing home for a ballot. That was the main reason, I think, for West Virginia enacting its law, and I think it is a very good provision which should be followed by other States, because every father or mother or next of kin has the address and serial number of their soldier relative and they would be sufficiently interested to make application on the first day.

Now, with respect to voting by proxy; in my judgment the very heart of suffrage is violated when voting by proxy is

permitted—and that was the primary reason I was against the amendment of the Senator from Connecticut—because if there are 11,000,000 men in the service and 8,000,000 of them vote by proxy 8,000,000 other people will be looking over their shoulders, so to speak, and seeing exactly where the cross mark is made. The Senate went into that on a previous occasion, and I do not care to discuss it at this time. But those are the two basic reasons why I cannot support the Danaher amendment.

When the original V-mail provision was before the Senate a bit of secrecy was violated in connection with the V-mail in the first bill. I was charged at that time, as a result of the V-mail provision, with being in a conspiracy to steal the soldiers' votes, so we eliminated that. I do not wish to be charged by someone with a conspiracy in regard to the soldiers' vote bill, and I am afraid I should be if I supported the Danaher amendment.

Mr. TUNNELL. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. TUNNELL. It seems to me, from statements which have been made on the floor of the Senate today, that a misunderstanding might prevail with reference to the attitude of the War and Navy Departments. My understanding is that the Army and the Navy have both expressed their desire to do everything they can to forward the movement to enable the servicemen to vote. Is not that true?

Mr. LUCAS. There is no doubt about it.

Mr. TUNNELL. With regard to State elections, as well as Federal elections?

Mr. LUCAS. That is correct.

Mr. TUNNELL. They have never said they would not do what they were directed to do in the way of facilitating voting, but they have said there were some things they did not believe they could do.

Mr. LUCAS. The Senator is correct.

Mr. TUNNELL. I have not known of anything which the Secretary of the Navy or the Secretary of War has said which would justify anyone standing on the floor of the Senate and stating he did not believe him.

Mr. LUCAS. We trust them with the lives of our boys; we trust them with the very existence of the Nation. We should be able to trust the ballots with Henry Stimson and Frank Knox. These 11,000,000 soldiers have this Nation in their hands right at this hour. They have the lives of 137,000,000 people of America in their hands, and they are being directed by Secretary Stimson and Secretary Knox, and by General Marshall and Admiral King.

Stimson and Knox would have nothing to do with the distribution of the ballots. It would all be done through officers under them, and as a Democrat, and as an American vitally interested in everything that is going on in this world at the moment, I am willing to trust and have faith in men such as Henry Stimson and Frank Knox. I am willing to place my confidence in men such as Marshall and King. God knows they have done a

great job since December 7, 1941, and if the American people do not have faith and confidence in the military and naval men on whose training and education at West Point and Annapolis we have spent literally billions of dollars, over many years past, then the home front is likely to break in twain. If they cannot do the job, then God help us, insofar as saving America is concerned.

Mr. TUNNELL. I will ask the Senator whether he has seen or heard anything from the Secretary of War or the Secretary of the Navy or the War Department or the Navy Department, indicating that there is any attempt on their part to play petty party politics with the pending bill.

Mr. LUCAS. I have not seen anything from either one of those Departments other than zealous industry and honest work. The men who have come before our committee representing those Departments are as fine gentlemen as I have ever seen before any committee of which I have been a member since I have been in the United States Congress. Colonel Cutler is former corporation counsel of the city of Boston. He came to Washington as a civilian to do a job in our war effort, and he has put in hours and hours and days and days in connection with our bill, and all its ramifications and technicalities, and he is one of the officers upon whom we are depending. He is a Republican from Massachusetts, not a Democrat.

Then there is Captain Ramsey, of the Navy Department, who has been all through the naval operations in the southwest Pacific in this war. He was before us representing the Navy Department in connection with the legislative proposal we are considering.

Those men have definitely testified time and time again that they are not interested in any particular bill, that they will attempt to administer, to the best of their skill and ability, with the facilities at their command, any law which Congress may enact, but they do point out certain things which cannot be done. Whom are we to believe? Are we to take the statement of a Senator who pulls out of thin air 250 tons or 150 tons of shipping with respect to transporting the ballots, or are we to take the word of these men, who know something about the situation?

Mr. TUNNELL. The Senator heard Colonel Cutler tell the Committee on Privileges and Elections that the Army and the Navy would do everything in their power to facilitate State voting as well as Federal voting, did he not?

Mr. LUCAS. He made it most emphatic.

Mr. BONE. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. BONE. I am curious about one aspect of the bill, which has to do with the mechanics of the measure. It seems to me there is likely to be a lag between the soldier actually voting and the reception of the votes in the States and the counting of the votes. I was wondering whether the bill provides any sort of dead line, so that votes arriving late, or later than some definite period, would be counted. I can easily imagine such a

situation arising that perhaps thousands of votes would come in after some prescription in the bill which sets up a dead line. I wondered how that was worked out.

Mr. LUCAS. Let me say to the able Senator from Washington that in our proposal we state definitely that the votes must be in the hands of the State election officials in accordance with the laws of the particular States. In other words, some States will count absentee ballots 3 or 4 days after they arrive, while others provide they must be in the hands of the election officials a day in advance of the election, others on the day of the election. Whatever the State laws provide, we have cooperated along that line. We want the States to say whether a ballot is legal. Of course, if the ballot arrives late, it would not be counted. Does that answer the Senator's question?

Mr. BONE. It does. I was constrained to inquire about the matter because I heard an amusing story a few days ago, which was probably just a story, about an Army officer who had not heard from his wife for 3 months, and who had been reading about the delays and about the enormous piles of mail on the docks. So he wrote his wife saying he was going to get a divorce from her for forgetting him. He got his letter off to his wife, and the next day received 50 letters from her. They had been in transit, probably, for 3 or 4 months. That is merely a humorous story, but it illustrates what I have in mind, that, due to frequent and vexatious delays of mail, some of these soldier votes might not get back to the States for a month after the date designated for counting them, and it would work a hardship on soldiers who had really tried to vote.

Mr. LUCAS. I agree with the Senator in that. The Senator is now discussing the State ballot—

Mr. DANAHER. Mr. President, I am always glad to listen to the Senator from Illinois, but I cannot hear what he is now saying.

Mr. LUCAS. I am sorry. Insofar as the uniform Federal ballot is concerned, as provided in the bill, that ballot is carried direct to the field where the soldier is either fighting or training. The votes are gathered up, after the soldiers execute them in secrecy, and are returned under plane priority. They come directly back to the war ballot commission, and the testimony shows that there is not a place where the men are fighting or training where the ballots cannot be delivered, with plane priority, in from 4 to 6 days.

Mr. BONE. I think the drafters of the bill have wrapped up in it provisions which seem adequately competent to accomplish the purpose in mind. Perhaps I should not have raised the issue at all.

Mr. LUCAS. The Senator is correct in raising the issue, and I am glad to give him the answer.

Mr. BONE. I am interested only in according the soldiers the opportunity to vote. They are being shot at and killed. I myself am not much concerned with the mechanics of the bill, but I do want to see the right of the soldier to vote assured. I see the bill has been broadened

so that provision can be made also for the soldiers voting for State officials.

Mr. LUCAS. That is what we have been talking about. The provisions of the bill do not go quite that far; but it does encourage State officials to change their laws, to remove the restrictions and regulations and conditions which now exist in the State laws so as to make it easier to send the ballots from the State and have them returned.

Mr. BONE. I submit that we cannot legislate concerning State voting, but wherever we can facilitate it I think it is a splendid idea to do so.

Mr. LUCAS. And we encourage it. We can do nothing about it under the Constitution other than to encourage it.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DANAHER. With reference to the subject which has been under discussion concerning cooperation with the States, under title II, I should like to call the Senator's attention to page 32, lines 7 to 13. I will ask a question with respect to that subject now. The provision reads:

(f) Where the Secretary of War or the Secretary of the Navy determines that the transmission abroad of any material required to be prepared and printed by the provisions of this section is inexpedient because of transportation difficulties or for other reasons arising from the conduct of the war, the Commission is authorized to arrange for such material to be printed outside the United States.

Now, is it not possible that in an attempt to cooperate with the States we might hold out to them by a provision of this title, title I, that if they have their ballots in readiness, have a mat, if you like, all prepared to be distributed to the various theaters of war, under the language of the bill on page 32, in lines 7 to 13, which I have just read, the material with reference to State ballots could be printed?

Mr. LUCAS. I will say to the Senator that I agree that if that could be done it ought to be done, but as a practical proposition it simply will not work. Take, for instance, the Senator's own State of Connecticut. Let us assume we are going to say to the soldiers now in London that we will print a mat, and inform them of the names of all the candidates who have been nominated in the primary, and whose names are on the ticket. There will be a long ballot. It will be necessary to get that ballot to every camp outside the continental limits of the United States and to every camp within the United States, because no one knows where the Connecticut soldiers are located. I merely mention that to the Senator to show him how impracticable it would be to do that sort of thing.

With respect to a uniform Federal ballot, that is a different proposition. The ballot means just what it says. It is a uniform Federal ballot. It is a write-in ballot. It does not make any difference where it is sent; it is going to apply to the soldiers alike everywhere.

Mr. DANAHER. I have in mind that it is entirely possible that in north Africa between now and, say, September 1, or August 15, printing presses

which are already there, which are already printing materials which are being distributed among the armed forces, could in turn be utilized for the printing of at least a uniform Connecticut ballot. Could not such a thing be done; and if so, in view of the fact that a great many soldiers will not be eligible to vote, anyway, and a great many more will not do so, the matter of transmission or returning the executed ballots would not present any such problem as getting blank ballots to them?

Mr. LUCAS. Would the Senator want the Army and the Navy to do that for the State of Connecticut and not for the other States?

Mr. DANAHER. I am asking if it is not feasible for lists of nominees to be prepared? I am sure that in any event Yank, or Stars and Stripes, or any of the other Government publications will be carrying lists of nominees. Surely by August 15 we will know whether it is RAYBURN or WALLACE who is running for Vice President.

Mr. LUCAS. Perhaps we will know whether Mr. DANAHER, of Connecticut, is running for Vice President at that time. I say that in all seriousness. If I were a Republican I would support the Senator.

Mr. DANAHER. Not on the Democratic ticket. There is no doubt about that question.

Mr. LUCAS. No. I know exactly what the Senator wants to do, and I wish it could be done. I have said from the beginning that I wish that every soldier, wherever he serves, may have the ballot so as to enable him to vote for candidates for every office from sheriff up to President of the United States. I think the office of sheriff and all others are important. I know the office of President of the United States is the most important of all. It simply cannot be done, however, in my opinion, and I base that opinion upon the testimony of the experts who have appeared before our committee from time to time.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. LUCAS. I am glad to yield.

Mr. DANAHER. Is there anywhere in the bill a provision that before a voter may vote for a party by party designation, the party must have polled a certain percentage of the vote at the last Presidential election.

Mr. LUCAS. I think that such a provision is in the bill, I may say to the Senator.

Mr. DANAHER. It seems to me there is something to that effect in the bill, but at the moment I do not recall where it is. I think a party has to have 10 percent of the total vote cast at the last Presidential election in order to qualify by party designation. Does that conform to the Senator's recollection?

Mr. LUCAS. I think that is correct. I am sure it was in the first bill, and I think it is in the pending measure.

Mr. DANAHER. I think it is. Mr. President, I should now like to call the Senator's attention to page 29, and I will read:

OFFICIAL FEDERAL WAR BALLOT

Instruction: To vote, write in the name of the candidate of your choice for each office

or write in the name of his political party—Democratic, Republican, Progressive, or other.

What is the Progressive Party to which the Senator's bill refers? I notice that the word "Progressive" was not in the Green-Lucas bill on which the Senate acted heretofore. It never appeared in any draft of the Green-Lucas bill. How does it get into the present bill?

Mr. LUCAS. It got into it through an amendment.

Mr. DANAHER. Whose idea was it to put the word "Progressive" in the measure?

Mr. LUCAS. I am not sure that I remember, but I do not see why the Senator should object. There are some very fine people in this country who belong to the Progressive Party, and have come to the Congress under the "Progressive" label.

Mr. DANAHER. Where can the Senator find a Progressive candidate who polled even as much as 1 percent of the total vote cast at the last Presidential election?

Mr. LUCAS. I do not know. It may be that the 10-percent provision was taken out of the bill.

Mr. DANAHER. Is it by any chance in there in honor of the distinguished Secretary of the Navy, Mr. Knox, who, in 1912, was known as a Progressive?

Mr. LUCAS. I do not know about that.

Mr. DANAHER. Or would there be any thought on the part of whoever placed it in the measure that perhaps the vote would be divided on that ground?

Mr. LUCAS. If Republican Senators desire to talk about Col. Frank Knox, who, in 1912, rode with the Rough Riders under Theodore Roosevelt, very well. I cannot help it if certain Republicans do not like the fact that Frank Knox was a Progressive, and that he went along with Theodore Roosevelt, one of the great Americans of all time.

Mr. DANAHER. No, Mr. President; I am talking about the "rough rider" who put the word "Progressive" in the bill.

Mr. LUCAS. There has been a great deal of talk about Frank Knox. Apparently some Republicans do not like Frank Knox, and I do not quite understand their attitude. There are many who think that because Frank Knox and Henry Stimson have come to Washington and served in this great emergency under a Democratic administration they have committed political treason. As I said a moment ago, I have yet to hear a single Senator on the Republican side of the aisle rise to his feet and make a commendatory speech in favor of either of these two great Americans.

Mr. DANAHER. Will the Senator—

Mr. LUCAS. Just a moment, please.

Mr. DANAHER. I thought the Senator had concluded. Pardon me.

Mr. LUCAS. I have yet to hear any Senator on the Republican side of the aisle make a commendatory speech in favor of two great Americans who in my humble judgment have given up much in order to serve their country in time of war. Notwithstanding that, we find this constant political skirmishing by the Republicans themselves against two of the

outstanding Republicans in the Nation today.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER (Mr. McFARLAND in the chair). Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. LUCAS. I yield.

Mr. DANAHER. Mr. President, will the Senator yield to me in view of—

Mr. LUCAS. I shall yield to the Senator from Connecticut in a moment.

Mr. BARKLEY. Even if it be true that Colonel Knox strayed away from the Republican fold in 1912 as a Progressive, did not the Republican Party forgive him in 1936 by nominating him for Vice President on the ticket with Alf Landon?

Mr. LUCAS. Yes; I have heard about that.

Mr. BARKLEY. Yes. It seems to be, as the Senator from Illinois has said, political treason for a Republican, no matter how patriotic he may be, to accept office under a Democratic administration, but, on the other hand, it is the height of patriotism and statesmanship for a Democrat to change his political garments overnight and receive the nomination as Republican candidate for President of the United States.

Mr. LUCAS. That is correct; and I am not so sure that he is not going to be the nominee again, the way things are going. I, too, recall something about the 1940 campaign. I know that Colonel Knox, during the 1940 campaign, in editing the Chicago Daily News, notwithstanding he was Secretary of the Navy, supported Wendell Willkie for President against Franklin D. Roosevelt. But President Roosevelt did not remove him from the Cabinet because of that.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CLARK of Missouri. The Senator from Illinois certainly is not bragging about that; is he?

Mr. LUCAS. I am not bragging about it; I am merely referring to the fact. That is all. I believe in fair play. I believe in giving men their just due, whether they are Democrats or Republicans, in the crisis through which we are all passing at the present time.

Mr. TAFT. Mr. President, if the Senator will yield, let me say that, as I recollect my statement, it was merely that those gentlemen were working for a fourth term. Does the Senator say it is an insult to someone to say he is working for a fourth term?

Mr. LUCAS. Oh, Mr. President, I know all about how the Senator operates. He is not fooling anyone.

Mr. TAFT. That is all I said about those gentlemen. I have great respect for their ability. I merely say that in connection with this particular measure they have taken part in a partisan way as between the advocates of the different bills. I do not refer to political party; I do not mean Republicans or Democrats. I mean there is a fundamental difference as to the kind of ballot. They have taken a position as to that legislative question, and I think their position is a distinctly prejudiced one.

Mr. BARKLEY. Mr. President, if the Senator will yield to me, let me say that I merely wish to observe that, while it is not an insult to accuse anyone of being in favor of a fourth term, the Senator from Ohio meant it as an insult, as applied to either Colonel Knox or Mr. Stimson.

Mr. LUCAS. I do not think the Senator from Ohio would hesitate to insult either Colonel Knox or Mr. Stimson, judging from what I have heard him say in the past.

Mr. TUNNELL. Mr. President, if the Senator will yield to me, let me say that I think the Senator from Ohio seems to know more about the matter than does either one of the gentlemen to whom he has referred.

Mr. LUCAS. That is what it amounts to, that he has better information than has either Mr. Stimson or Colonel Knox. I remember another Senator who said he had better information than was had in the State Department about the possibility of having war break out in Europe. We all remember how wrong he was.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DANAHER. Would the Senator object to our including at that point the words "Communist or Socialist"?

Mr. LUCAS. If the Senator desires to include the words "Communist or Socialist" he can offer such an amendment, and we will take it up when the time comes.

Mr. DANAHER. Will the Senator object to it?

Mr. LUCAS. The Senator can offer it; I will not say now whether I would or would not object to it. But if the Senator desires to offer an amendment with respect to the Communist Party, that is all right with me.

Mr. DANAHER. I thank the Senator. Mr. LUCAS. I yield the floor.

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Alken	Ferguson	O'Daniel
Andrews	George	O'Mahoney
Bailey	Gillette	Overton
Ball	Green	Radcliffe
Bankhead	Guffey	Reed
Barkley	Gurney	Revercomb
Bilbo	Hatch	Reynolds
Bone	Hawkes	Robertson
Brewster	Hayden	Russell
Bridges	Hill	Shipstead
Brooks	Holman	Smith
Buck	Kilgore	Stewart
Burton	La Follette	Tait
Bushfield	Lodge	Thomas, Idaho
Butler	Lucas	Thomas, Okla.
Byrd	McCarran	Thomas, Utah
Capper	McClellan	Truman
Caraway	McFarland	Tunnell
Chandler	McKellar	Tydings
Chavez	Maloney	Vandenberg
Clark, Mo.	Maybank	Wallgren
Connally	Mead	Wheeler
Danaher	Millikin	Wherry
Davis	Moore	White
Downey	Murdoch	Willis
Eastland	Murray	
Ellender	Nye	

Mr. WHITE. Mr. President, the Senator from Vermont [Mr. AUSTIN] has been compelled to absent himself because of illness.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3687) to provide revenue, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. CULLEN, Mr. COOPER, Mr. DISNEY, Mr. KNUTSON, Mr. REED of New York, and Mr. WOODRUFF of Michigan, were appointed managers on the part of the House at the conference.

METHOD OF VOTING BY MEMBERS OF ARMED FORCES

The Senate resumed the consideration of the bill (S. 1612) to amend the act of September 16, 1942, which provided a method of voting in time of war by members of the land and naval forces absent from the place of their residence, and for other purposes.

Mr. DANAHER. Mr. President, I offer an amendment on page 29, in the portion after line 8, after the word "Republican", to insert "Socialist, Communist."

The PRESIDING OFFICER. The Chair advises the Senator that there is already an amendment pending.

Mr. DANAHER. Mr. President, what is the amendment pending?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Louisiana [Mr. OVERTON], which will be stated.

The CHIEF CLERK. On page 39, line 9, after the word "made", it is proposed to insert "in accordance with State laws", so as to read: "shall be made in accordance with State laws by the duly constituted election officials."

And so forth.

Mr. BARKLEY. Mr. President, there was some confusion. May the amendment be stated again?

The PRESIDING OFFICER. The amendment will be again stated.

The CHIEF CLERK. On page 39, line 9, after the word "made", it is proposed to insert "in accordance with State laws", so as to read: "shall be made in accordance with State laws by the duly constituted election officials."

And so forth.

Mr. BARKLEY. I do not know that there is any objection to that.

Mr. GREEN. I do not see any objection to it.

Mr. TAFT. Mr. President, I think it would be unfortunate if this amendment were adopted without an understanding of its full significance. Of course, it nullifies sections 1 and 2 of Public Law 712, which is proposed to be amended by the pending bill.

It will be noted that the bill does not make any provision with regard to registration or payment of the poll tax. Instead, it leaves standing sections 1 and 2 of Public Law 712. Those sections read:

SECTION 1. In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every indi-

vidual absent from the place of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps, who is or was eligible to register for and is qualified to vote at any election under the law of the State of his residence, shall be entitled, as provided in this act, to vote for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress.

In other words, in section 1 we set aside the State laws with regard to registration.

Section 2 reads as follows:

SEC. 2. No person in military service in time of war shall be required, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

The intention of the pending amendment was clearly stated by the Senator from Louisiana [Mr. OVERTON]. It provides that the determination of the validity of the ballots shall be made in accordance with State laws. In other words, it would restore all the registration laws of the States. At least that is the intention of the Senator. The amendment would result in a very ambiguous law. I think before we vote on the amendment we ought to know whether it is proposed to set aside State registration laws, or whether it is not proposed to set aside State registration laws.

Mr. GREEN. Mr. President, in view of the explanation of the Senator from Ohio I think the Senate should understand that the adoption of this amendment would be very much the same thing as voting against the bill itself, because the two principal things which stood in the way of voting by men in the armed services, apart from the qualification of voters, were the election requirements of registration and of paying a poll tax.

The theory on which the whole bill is based is this: The Federal Government, under its general war powers, has taken men from their homes and sent them overseas. By that act on the part of the Government they are prevented from exercising their right of voting, a fundamental privilege of citizenship which distinguishes this Government from the governments against which we are fighting. If, according to our theory, the Government has the right to take these men away from their homes, it has no right, if it can avoid doing so, to prevent them from exercising the right of voting. So this bill was drafted and introduced in order to restore that right to them. It should never have been taken away. But if it is unconstitutional to restore that right to them, it is equally unconstitutional to draft them and send them overseas.

That being the theory of the bill, it is obvious that the elimination of the provisions of sections 1 and 2 of Public Law 712 means not only the defeat of the bill, but that the situation of the men in the armed forces so far as voting is concerned will be worse than it is under

the existing law, because the proposed law would prevent from voting all men who had not registered according to the local law, and it would prevent from voting those who had not paid their poll tax.

The law exempts men in the armed services from paying property taxes and other taxes. The payment of the poll tax is put on a par with the payment of other taxes. If they are not obliged to pay their poll tax, and no provision is made whereby they can be made to pay it while they are in the armed services, why should we say that nonpayment of the tax should prevent them from exercising the right of voting?

So the theory of the bill is that these are conditions of voting prescribed by the States. The bill would not relieve the soldier or sailor from the obligation to pay his poll tax. It would simply say that payment of the poll tax shall not be made a condition of voting.

It is the same with registration. The bill would not do away with the registration laws of the States. It would simply say that in those cases in which the Federal Government has prevented a voter from registering, he does not have to register. Otherwise he is prevented from voting.

So I regret to say that we cannot comply with the suggestion of the Senator; but at the same time, to show that there is no prejudice on our part, Senators will notice that in the last three pages of the bill we have another provision, for which the Senator argued on the floor of the Senate in the previous debate.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. REVERCOMB. The pending bill, which is known as the Green-Lucas bill, amends Public Law 712. Is that not correct?

Mr. GREEN. That is correct.

Mr. REVERCOMB. And it takes the place of Public Law 712, except for sections 1 and 2 of that act. Is that not correct?

Mr. GREEN. That is correct.

Mr. REVERCOMB. Sections 1 and 2 of the existing law, Public Law 712, provide that men in the armed forces may vote, regardless of whether they are registered or whether they have paid their poll tax. Is that not correct?

Mr. GREEN. That is correct.

Mr. REVERCOMB. So if the Green-Lucas bill is enacted as written, there will still be in the law the provisions of sections 1 and 2 of Public Law 712; and under the Green-Lucas bill, if enacted into law, a member of the armed forces may vote whether or not he is registered or whether or not he has paid his poll tax.

Mr. GREEN. That is correct, provided he has the qualifications laid down by State law.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. BARKLEY. I merely wish to call the attention of the Senator from Rhode Island to the fact that one of the original purposes of the law which Congress

enacted in 1942 was to obviate the necessity for registration, in order that members of the armed forces might vote. The amendment pertaining to the poll tax was an amendment offered and adopted on the floor of the Senate.

Mr. GREEN. That is very true.

Mr. BARKLEY. So if this language is adopted, it seems that it will effect the repeal of those two provisions in the present law, which were enacted by both Houses in a preceding session.

Mr. GREEN. If I may put it in another way, the pending bill does not attempt to change the purposes of the original law, which is now on the statute books. That law, so far as its purposes are concerned, was approved by the Senate and House and signed by the President and is now the law of the land. However, its mechanics were found to be faulty. We trusted too much to the provisions of State laws. We thought, erroneously, that those laws would provide the soldiers with the opportunity to vote. However, experience has shown that it was not feasible to do so under those laws. Therefore, the bill attempts to improve and correct existing law in the mechanics of voting, and only in the mechanics.

Any Senator who believes that the mechanics are improved by the proposed law can vote for it with a clear conscience, even if he did not approve of the original law. In the original law we tried to adopt the provisions of the State laws. In this bill we have tried to adopt the State laws so far as feasible, but not to the extent of preventing soldiers from voting, as happened quite generally in the last election. All the constitutional questions which are now raised were then raised and argued. Despite the objections made, and the dire prophecies of what would happen, nothing of the kind took place.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. GREEN. I shall be through in a moment and then I shall be glad to yield.

As I said, nothing of the kind took place. Some of the soldiers voted, but only a very small percentage—approximately 28,000—in spite of the cooperation of the Army and Navy in getting the ballots to the soldiers.

Therefore, we have attempted to perfect the mechanics, so that not only may we say, as we did in 1942, "We have given you the right and the opportunity to vote," but may say "You are going to be able to vote." We do not want to have a law on the statute books which merely gives the soldiers the right to vote and yet denies them the right to exercise the privilege.

That is the fundamental difference between the bill heretofore passed by the Senate and the bill we are considering at this time. The bill which was previously passed in effect said to the soldier and sailor, "Yes, we recognize your right to vote. We have recommended to the States that you be given the right to vote." However, in view of the advice given us by the Army and the Navy we find that it does not mean anything. Anything? It means very little. Under it very few soldiers and sailors could

vote. The pending bill would give many more of them the right to vote. It would not give that right to every one of them but to most of them. That is the reason why I am advocating the changes in the mechanics of the existing law.

I now yield to the Senator from Oklahoma.

Mr. MOORE. I think the Senator has made it very clear that Public Law 712 would be repealed by the pending bill only insofar as the administrative features of the law are concerned. Sections 1 and 2 of Public Law 712 waive the qualifications which may be imposed by the States, such as registration and the payment of a poll tax.

Mr. GREEN. Only with respect to those two.

Mr. MOORE. Only with respect to those two. Very well. There is another provision of the pending bill which would make the election officers of the States the sole judges of the validity of the votes cast after they had been returned to the precinct officers.

Mr. GREEN. The Senator is correct.

Mr. MOORE. If the precinct officers who are to pass upon the validity of the vote were to hold that a vote was invalid for the reason that the voter was not registered, they would be violating Public Law 712. That is true, is it not?

Mr. GREEN. That is correct.

Mr. MOORE. It would also be true that if the precinct officials held that because a voter had not paid a certain tax imposed upon him he was not eligible to vote, they would be in violation of the Federal law.

Mr. GREEN. That is correct.

Mr. MOORE. Very well. Then why would the Senator expect an election official, in passing on the validity of a ballot, to take the chance of violating a Federal statute?

Mr. GREEN. In the first place, there are no penalties attached to such violations.

Mr. MOORE. There is none in this bill, but there are penalties provided in other laws which would make the action to which I have referred a grave offense. Would not the election officials be precluded from passing on the validity of a ballot which came into conflict with the first two sections of Public Law 712?

Mr. GREEN. I think the Senator will agree with me that as a matter of practice the local official or whoever was counting the ballots and passing on their validity would have the advice of the attorney general of the State.

Mr. MOORE. The attorney general is an officer of the State. The attorney general of the State of Maryland, for example, who passed on the Green-Lucas bill, which is exactly the same bill that we have before us today, held that that bill violated the Constitution of the United States. The Senator from Rhode Island has today asserted that the proposed law is constitutional only insofar as it comes within the war powers of the Congress. Am I correct in my statement?

Mr. GREEN. The Senator is quite incorrect. I have never made such a statement.

Mr. MOORE. I beg the Senator's pardon. I thought the Senator did make such a statement.

Mr. GREEN. I did not say it was constitutional only for that reason.

Mr. MOORE. I am sorry if I misunderstood the Senator.

Mr. GREEN. I remind the Senator that when the question was previously under debate in the Senate—it has been debated for a long time—I made an argument on the constitutionality of these provisions of the law. I cited authorities at length. The Senator will recall that I also explained to him privately why I regarded the provisions to be entirely constitutional. Yet, notwithstanding both those facts, the Senator rose on the floor of the Senate and stated that he had not heard a single Senator state on the floor of the Senate that he believed the bill was constitutional.

Mr. MOORE. Mr. President, I have not yet heard it, and I do not hear it now.

Mr. GREEN. I am sorry. Apparently we do not speak the same language.

Mr. MOORE. I do not wish to have any misunderstanding about it. I understood that those who asserted that the bill did not violate the Constitution of the United States based the assertion upon the war powers of the Congress. Am I correct or incorrect in that regard?

Mr. GREEN. I said that it could be defended on that ground, but I did not say it could be defended on that ground alone.

Mr. MOORE. Does the Senator now say that the bill is constitutional?

Mr. GREEN. I certainly believe it to be constitutional or I would not have introduced it.

Mr. MOORE. The Senator has never argued for the constitutionality of the bill.

Mr. GREEN. I argued it at length on a previous occasion, and the Senator will find the argument set forth in the CONGRESSIONAL RECORD.

Mr. MOORE. Then I stand corrected.

Mr. GREEN. If it were not that I dislike to waste the time not only of the Senate but of the country, in repeating endlessly arguments which have been made before, I should be very glad again to discuss the question. I do not like to repeat the argument for the benefit of one Senator, but, if other Senators desire to have me restate it, I shall do so with pleasure.

Mr. MOORE. Will the Senator now say that in the discussion of Public Law 712, which was enacted in the Seventy-seventh Congress, the constitutionality of this provision was satisfactorily asserted?

Mr. GREEN. Yes; I do so state.

Mr. MOORE. I searched the RECORD on that point and tried to collect the authorities and statements made in connection with it. I did not find a single solitary statement of the nature referred to by the Senator made in the discussion on the floor of the House or on the floor of the Senate.

Mr. GREEN. The bill which became law was introduced in the House by Representative RAMSAY and in the Senate by myself. It first passed the House, and when it came to the Senate was referred

to the Committee on Privileges and Elections, of which I am chairman. Because I cared more about having the bill promptly become law than I did about having my name attached to it, the committee reported it to the Senate with my consent and advice for passage by the Senate. In both the Senate and the House the question of constitutionality was raised.

Mr. MOORE. I ask the Senator if I am mistaken in thinking that in the Privileges and Elections Committee the question of constitutionality had been submitted to the committee. Am I correct about that?

Mr. GREEN. To what committee?

Mr. MOORE. To the Committee on Privileges and Elections, where this measure was being heard.

Mr. GREEN. If I remember correctly it was, but we have no record of the debate in the committee.

Mr. MOORE. There was no record filed with the report of the Committee on Privileges and Elections on Public Law 712. I never knew whether the constitutionality of the measure was discussed, and there is no way to find out except to ask the Senator who is the author of the bill. I understand the Senator's answer is that the bill having passed both Houses of Congress and having been approved by the President its constitutionality was determined by that fact.

Mr. GREEN. I did not say it was determined, but I said the opinion of the House and the Senate as to its constitutionality was shown by that fact.

Mr. MOORE. Then, I should like to ask one other question, which has been discussed at some length. In the recent hearings before the Committee on Privileges and Elections with reference to the transmission of Federal ballots and the ballots of the States, we got the information from the Army and Navy that the Federal ballots could be pretty certainly carried to the soldier voters and returned for counting, but there was a very remote possibility that the State ballots could be.

Mr. GREEN. There was a much greater possibility that the Federal ballot would be, because it was a small ballot, printed on thin paper, weighing very little, uniform in size, could be carried in bulk, and, to that extent, would take up much less space in a plane and make much less weight on a plane. For that reason there was much more likelihood that it could be sent over to the soldiers. That was one reason. Another reason was that it could be sent well ahead, months before the election, whereas the State ballots had to be sent at a later time, in individual packages, weighing more, taking up more space, and being harder to handle.

Mr. MOORE. It was developed that one Senator, the Senator from Utah [Mr. MURDOCK] asked the question, if it was not a deception on the States, in view of the testimony of the Army and Navy, to give the States any encouragement that they could have their ballots sent to the soldiers.

Mr. GREEN. I think that Colonel Cutler, although he was asked that ques-

tion several times, always replied that he would not say that it was of no use or that it was futile, but he said that it would increase the probability that a certain number of men in the armed forces would not get the additional privilege of voting.

Mr. MOORE. I think he made it pretty plain and I think factual that it was next to impossible—a physical impossibility—and would be a tax upon the mailing facilities to transport the State ballots. Am I correct in that?

Mr. GREEN. He said it would be very difficult; that he could not hold out any hope that the State ballots could reach all the soldiers; but that he would not go to the extreme of assenting to the proposition that therefore it was futile for the States to change their laws, because, in the first place, it would benefit at least those in the armed forces who would probably be within the limits of the continental United States, and, secondly, it would also help the others, although not to such a large extent.

Mr. MOORE. The inference would be then, from the testimony of the Army and Navy that the importance of the Federal ballot was such that they could give priority to that ballot, but that the State ballot was unimportant and no such priority was to be given it.

Mr. GREEN. There was no such testimony given.

Mr. MOORE. I say that was the inference.

Mr. GREEN. No such testimony was given. There was no discussion of the relative importance of the two. It was simply that the one was a lightweight, small ballot that could be sent in bulk and at one time, months before the election, while the other had to be sent in large, heavy packages, as the ballots themselves were heavy, and contained a great many names, and had to be sent at a great many different times and at a time nearer the election than the Federal ballot would have to be sent. There was no discussion whatever about the relative importance of the Federal and the State ballots.

Mr. MOORE. Certainly the Senator will admit, will he not, that the importance of the Federal ballot was such as to give it priority over certain other mail, while the State ballot was not accorded that priority privilege?

Mr. GREEN. That was very true, but not for the reason the Senator states; not because it was more important, but because the mechanical provisions were entirely different and were more favorable in the case of the Federal ballot than in the case of the State ballot.

Mr. MOORE. I thank the Senator.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. DANAHER. I thank the Senator. I should like to ask him if he knows of any reason why we cannot properly amend title I so as to make it possible for the State of Connecticut to cause its overseas ballots to be printed in England, to be distributed among the soldiers in England who are from Connecticut, and who thereafter can send their ballots back in the regular way the Federal ballots themselves would be transmitted.

Mr. GREEN. That again raises the question, and properly so at this time, of State rights. If the Federal Government is to print State ballots—

Mr. DANAHER. I did not say the Federal Government; I said the State of Connecticut would do it.

Mr. GREEN. I do not see any reason why the State of Connecticut cannot pass any law it pleases to enact.

Mr. DANAHER. Can we not properly amend this bill so as to provide that if the State of Connecticut causes overseas ballots to be printed in England, the Federal facilities will bring them home after the soldiers vote them.

Mr. GREEN. I do not see any objection to that if it is not covered by the language of the bill.

Mr. DANAHER. I am talking about title I. I want to place such a provision in title I so that the Army and Navy would be bound to bring our ballots home and could not refuse to do so.

Mr. GREEN. It would be illogical in title I because that refers to the Federal ballot, but I do not see why there could not be an appropriate provision at the appropriate place to accomplish the end the Senator suggests.

Mr. DANAHER. Then we could do it with reference to the north African theater and again with reference to the Australian theater.

Mr. GREEN. I should like to have the opinion of those who will be responsible for carrying out its provisions as to the feasibility of the proposal but, speaking for the coauthors of the bill, the Senator from Illinois [Mr. LUCAS] and myself, I cannot see any objection to it.

Mr. DANAHER. Mr. President will the Senator yield further?

Mr. GREEN. I yield.

Mr. DANAHER. Has the Senator seen the release put out by the War Department under date of November 24, 1943, dealing with its administration of Public Law 712?

Mr. GREEN. I have read so many pieces of literature on the subject that I do not know that I recall the particular one.

Mr. DANAHER. Then let me identify it for the Senator. In it the War Department very proudly and very properly announced that as of November 24, 1943, they had already distributed to every camp in the United States and in every theater of war abroad the Louisiana ballots required for voting in the Louisiana primary of January 18 and, I think, February 14, 1944. The announcement further went on to say that every Louisiana soldier in the armed services who was qualified under the laws of Louisiana to vote would be enabled thus to vote and that the ballots had been distributed sufficiently in advance so that no man need be deprived of the opportunity to exercise his franchise in the primaries in Louisiana this spring. That was, of course, of great importance, and in States where primaries, in fact, determine the election it is actually the real exercise of the franchise itself.

In addition to that let me go further. The War Department went on to say that it was equally prepared to render an identical service in all other State

primaries between February and October 1944. Did the Senator see that release?

Mr. GREEN. I did not.

Mr. DANAHER. It is a very important one, and I commend it to the Senator's attention.

Now I should like to ask the Senator only one other question. He has made reference to the fact that in 1942 only some 48,000 votes were cast.

Mr. GREEN. Twenty-eight thousand.

Mr. DANAHER. Twenty-eight thousand. I should like also to refresh the Senator's recollection that the bill of that year was approved by the President on September 12, and the election came on November 3. The implication would be made that the 1942 act, Public Law 712, is not feasible of operation. Any such imputation certainly collides with the fact contained in the announcement of the War Department to which I have just made reference. Above all, let me call the attention of the Senator from Rhode Island to a letter from Henry L. Stimson, Secretary of War. I read from page 7058 of the CONGRESSIONAL RECORD for September 8, 1942:

The War Department is opposed to the authorization of voting by members of the armed forces serving outside the continental limits of the United States or in Alaska.

That was the first flat statement made by the Secretary of War. In that connection, the chairman of the Ballot Commission of the State of New York wrote to me to the effect that the War Department and the Navy Department refused to take the ballots of the New York Ballot Commission overseas, and I do not doubt that it was in line with Mr. Stimson's then announced policy.

Mr. Stimson further said:

Indeed the time is now so short that there is a grave question that the various operations essential to carrying out the provisions of the bill could be completed so that the executed ballots would be in the hands of election officials of the various districts or precincts or counties of the voters' residences by the time the polls are closed.

So, there was a reason, namely, the shortage of time, as to why the 1942 act was not going to be operative, in view of the flat and unqualified opposition of the Secretary of War himself.

But the Secretary continued, in his letter to the Speaker of the House:

The question of providing a means for members of the military forces to vote in time of war is an old one. Under date of April 17, 1918, the then Acting Secretary of War, Hon. Benedict Crowell, wrote the Secretary of the Navy as follows:

"After a most careful consideration of this entire matter, the War Department is of the opinion that it is neither advisable nor desirable to allow soldiers in the theater of war to vote. Their votes cannot be taken without seriously interfering with the military efficiency of our fighting forces."

It is important to note that Secretary Stimson in 1942 was adopting that particular language and calling it to the attention of the Speaker of the House of Representatives with reference to then pending Public Law No. 712. I omit some other matters, and point out this language in the letter:

The War Department's objections to the bill for the reasons stated apply only to the inclusion of the members of the armed forces serving outside the continental United States, including Alaska.

Respectfully,

HENRY L. STIMSON,
Secretary of War.

In the light of that, I know the Senator from Rhode Island would not wish to leave with his colleagues the thought that the 1942 act was operative outside the United States, in view of the position taken by the Secretary of War.

Mr. GREEN. No; I do not wish to leave that impression. I think the deduction to be drawn from what the Senator from Connecticut has read is that a great deal was learned from that experiment, if we may call it such. We learned that the law could be executed, and that the Army and the Navy could undertake to do it, if not in the way that was suggested then, that they would make an effort to do it. Furthermore, it was applicable then to the United States, even according to the Secretary. And we must remember that there were about half as many in the service then as there are now. So a very small percentage of the men then in the services in the United States actually voted.

In view of all these experiences, in view of the very fact that we did have the law, we learned a great deal, and we have attempted to incorporate what we have learned in the bill which is now before the Senate, as a result of the former experiences, although, as the Senator from Connecticut well points out, the number of men voting would have been very much larger had the bill been passed sooner.

Mr. DANAHER. Will the Senator yield further?

Mr. GREEN. I yield.

Mr. DANAHER. Of course, we must not lose sight of the fact that the 1942 law, Public Law 712, is the law at this moment. It was the law also on November 24, 1943, when the War Department issued the release to which I have called the Senator's attention, in which the War Department said that all facilities for voting in the Louisiana primaries had already been provided in every theater of war abroad and at every camp in this country. So that obviously if the will to make it work exists, the way can be found to do it.

Mr. GREEN. Apparently the will to make it work exists, from what the Senator himself has shown.

Mr. DANAHER. I think so.

Mr. GREEN. In that he differs from the Senator from Ohio.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. GREEN. I yield for a question; yes.

Mr. ELLENDER. It may be that the able Senator has already partially answered the question I am about to ask him in response to questions put by other Senators.

Under section 14 (a) the commission created under the pending bill would have no power to pass upon the validity of the ballots, but that function would be left to the duly constituted election officials of each voting unit of the several

States. The question is, To what extent can these officials—the election officials—compel compliance with State laws when passing upon the validity of the ballots cast in pursuance to the bill, should it become law?

Mr. GREEN. In view of the criticisms which were made in the Senate when the soldiers' vote bill was under discussion a short time ago, it was decided to be best to relieve the war ballot commission of all except purely administrative functions.

In the first amendment that was proposed by the Senator from Illinois [Mr. Lucas] and myself the war ballot commission was given other functions. They had to review the reports which were made by the various secretaries of state, and draw their own deductions, holding them up to possible penalties if they had not complied with the law as the war ballot commission construed it. They could make reports and recommendations to the Congress in such cases. But all that is stricken out. They have no function left except to collect the necessary information as sent to them by the secretaries of state, have the ballots printed and sent to the Secretaries of War and Navy, and the others, at the appropriate times, for distribution to the armed forces.

Mr. ELLENDER. I understand all of that, Senator. The question I have asked is, To what extent can the election officials provided for in section 14 (a) compel compliance with their respective State laws in respect to the validity of the ballots cast in pursuance to the pending bill should it become law?

Mr. GREEN. The pending bill does not deal with that subject. It is left entirely to the officials.

Mr. ELLENDER. The Senator is in error. The bill does deal with the subject. It is left to the officials provided for in the bill as he has indicated. Now, to be more specific, would the election officials have to take into consideration whether or not a poll tax had been paid, whether the soldier was properly registered under the State law, and other qualifications of a like nature in passing upon the validity of the ballots?

Mr. GREEN. Is the Senator asking my personal opinion?

Mr. ELLENDER. The Senator is the author of the bill and I would like to have his views as to the provisions of the bill.

Mr. GREEN. I do not think it is open to any other construction, but so many misconstructions are placed on the language of a bill nowadays, that I want to play safe. I believe they would pass on all qualifications of a voter. But I do not consider the time of the payment of a poll tax, or the fact of registration, a qualification.

Mr. ELLENDER. I thank the Senator. I am glad that he takes the position that the election officials would have the right to pass on all qualifications. That is my construction of the language and I doubt the necessity of more clarifying language.

Mr. REVERCOMB. Will the Senator from Rhode Island yield?

Mr. GREEN. I yield.

Mr. REVERCOMB. The enactment of the pending bill would not repeal section 1 of Public Law 712, I believe we all agree. Is not that correct?

Mr. GREEN. I did not understand the Senator's statement.

Mr. REVERCOMB. The enactment of the bill now pending, the Green-Lucas bill, would not repeal section 1 of Public Law 712?

Mr. GREEN. The Senator is correct.

Mr. REVERCOMB. I wish to read section 1 of Public Law 712. It provides:

In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual absent from the place of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps, who is or was eligible to register for and is qualified to vote at any election under the law of the State of his residence, shall be entitled, as provided in this act, to vote for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress.

In other words, that language provides that even though one be not registered, under the existing Federal law—and it would continue to be the law if this bill should be enacted—such person may have the right to vote, even though he be not registered. Is that correct?

Mr. GREEN. That is correct.

Mr. REVERCOMB. Very well. Under the pending bill there is another provision to the effect that the local election board in each of the States, where the individual would ordinarily vote were he at home, may pass upon the question of whether or not he is qualified to vote, and have his vote or ballot counted. Is that correct?

Mr. GREEN. That is correct.

Mr. REVERCOMB. Very well. Now suppose in a State which requires registration of a voter in order that he may vote, a soldier who is not registered casts a vote, and it is sent back to his voting place in the State, what will the election officer do with that ballot?

Mr. GREEN. He should count it. What he will do with it I do not know.

Mr. REVERCOMB. He should count it under the Federal law, should he not?

Mr. GREEN. Yes.

Mr. REVERCOMB. But suppose the State law under which he acts provides that no one can vote unless he is duly registered, is the election official going to violate the law of his State?

Mr. GREEN. I do not think the Senator poses the question as it should be. It is not a question whether the official violates the State law. The question is whether that law has not been superseded by the Federal law. Where a State constitution and the Federal Constitution come into conflict, or where a State law and a Federal law come into conflict, the Federal Constitution or the Federal law prevails. The official does not violate a State law, because it has been modified or repealed by the Federal law, provided it is constitutional. So there is no violation of a constitution, there is no violation of a State law, if officials follow a Federal law which is passed constitutionally.

Mr. REVERCOMB. Suppose, however, that, as the officers of many States feel, and as the Representatives in this body from some of the States feel, any act of Congress with respect to the qualification of a voter is invalid, does not the situation I have presented to the Senator raise a conflict between the Federal law and the State law when a State officer is obliged to pass upon the question?

Mr. GREEN. No; because the requirement of registration is not a qualification of a voter. It is a condition attached to voting. That a voter must be of a certain age, of a certain sex, and have a certain amount of property—these are qualifications. But the mere fact that the man must do a certain thing before he votes, by going to a certain place, or within a certain hour, and write his name on a certain form—that is a condition of voting, and not a qualification. A man may be qualified to vote and not comply with the conditions of voting. But he still has the qualifications of a voter. He is qualified to vote, but he does not vote.

Mr. REVERCOMB. The same view is taken by the able Senator upon the question of the payment of poll tax, is it not?

Mr. GREEN. The same view; yes.

Mr. REVERCOMB. However, the able Senator is expressing his own personal view on a subject concerning which there is great difference of opinion, even in the Senate.

Mr. GREEN. I think my view is well fortified by constitutional authority.

Mr. REVERCOMB. Let us suppose a State requires registration of a voter. Suppose when a soldier's ballot comes back it is found he has not registered. This is a qualification for voting. Many persons, including Senators, take that view. Suppose that soldier's vote is thrown out. I ask the Senator, if we ship abroad ballots in bundles and basketfuls, and scatter them among the servicemen, leading them to believe that they have a right to vote, asking them to vote, and have their votes cast, and then have the ballots brought back here, and under the authority of the provisions of the bill before us the ballots are thrown out at the voting place—if such a thing were done, would not a great wrong be done to the soldiers and the sailors of this country?

Mr. GREEN. I disagree with the Senator. I think a great wrong would be done to the soldiers and sailors if the ballots were not counted. But the wrong would not be done by those who pass the law or by those who administer the law; it would be done by those who refuse to comply with the law in the local precincts and decline to count the ballots.

Mr. REVERCOMB. Is not the wrong done when we pass a law under which such a situation may arise?

Mr. GREEN. If Congress passes a law dealing with manslaughter, and someone kills another, is anyone of those who passed the law guilty of the manslaughter? The person who violates the law is guilty of manslaughter.

Mr. REVERCOMB. I do not think that is applicable in this case at all.

Mr. GREEN. If the soldier casts his ballot and the Federal Government brings it home and says it should be counted, the man who refuses to count it is the guilty party.

Mr. REVERCOMB. Why do we not say to the soldiers: If you who, under the laws of your State, are qualified to vote, and wish to vote, will make an application for a ballot it will be sent to you? I may say that a law containing such a provision was passed in the State of West Virginia this month, after the legislature of the State had notice served upon it, by action of this body, that the State would be called upon to see that the soldiers and the sailors who went forth from it would have an opportunity to vote. Anyone in the State of West Virginia may now go to a county clerk and say to him, "I want a ballot sent to this soldier at his request." That request may be made 89 days before the election is held, and the ballot is mailed to the soldier. That ballot is not one of a great number scattered all over the world. The ballot is not carried in bundles or in baskets or bags and distributed generally. The ballot goes directly to a soldier. He is the only one who sees it. He votes it. It is his vote, and it is returned directly by mail. Why cannot the Congress enact a law of that kind?

Mr. GREEN. It would remedy the situation very little. The same physical difficulties would still remain. The ballots would have to be sent, though not in bulk. One type of ballot is very light in weight, and takes very little space. The other type is bulky and heavy. Each State ballot must be sent to a different address. Instead of being sent by air mail, it would have to be sent by ship. If sent by ship the time limit would probably have to be very much longer than that computed in the tables which calculate the time it takes for air mail to go back and forth, and provide only 1 day at each end, 1 day for the soldier to comply with the provisions concerning the ballot, and 1 day for the secretary of state to comply with sending the soldier the ballot.

The physical difficulties are very great even when we make the balloting as simple as possible. This bill makes the balloting as simple as possible. It makes the transmission as simple as possible. Only two transmissions are involved, one to the soldier and one back from the soldier, whereas almost all the State laws provide for the three transmissions, and a number of them provide for five transmissions. The Senator's suggestion would reduce the difficulty. Instead of three transmissions, there could be two if a relative applied to the secretary of state for a ballot. If that were regarded as a legal request for a ballot, the secretary of state could then send it to the soldier individually. But even then the ballot might not reach the individual. The servicemen are moving around constantly. From the time the application is made to the time the ballot reaches the soldier he may move three or four times. By the time the ballot reaches him the election may have been held. But in the other way the ballots are sent wherever there are soldiers, and so the ballot will reach the individual soldier very much sooner.

Mr. REVERCOMB. That soldier would get the ballot which is sent directly to him with the same certainty that he would receive his mail which is sent him,

and it would come back with the same certainty, would it not?

Mr. GREEN. I will give the Senator a little illustration. I sent Christmas cards to several soldiers. Some of the cards have come back to me, after having traveled around for a month. Some day, no doubt, others will come back to me after having traveled around. The reason for that is that men change their locations and the mail does not catch up with them.

Mr. REVERCOMB. I realize that what the Senator says is absolutely correct; that there would be a number, no doubt, who would not receive their ballots because of being transferred from their last known addresses. However, I wonder if it would not be a safeguard to the ballot of the soldier if he received it direct himself, instead of the ballots being sent to some outpost and handed out to the men?

It has been testified before the committee, I may say to the Members of the Senate, including the distinguished chairman of the Committee on Privileges and Elections, whom I am now addressing—

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. GREEN. In a moment, Mr. President. I hope the Senator from West Virginia will not forget he is supposed to be asking a question, not addressing the Senate.

Mr. REVERCOMB. I ask the Senator to let me conclude my statement. It has been clearly brought out here that the ballots would go with the same certainty that letters would go.

Mr. GREEN. I do not think so.

Mr. REVERCOMB. Undoubtedly there would be some who would not receive them.

Mr. GREEN. I disagree with the Senator's premise. The ballots would not go with the same certainty that letters would go.

Mr. REVERCOMB. Why not?

Mr. GREEN. Most of the mail which the families at home send to the soldiers and most of the mail which the soldiers send back goes by V-mail. The ballots would not go by V-mail.

Mr. REVERCOMB. There is no reason in the world why the ballots cannot be transported if it is important to the soldiers to be able to vote; and I grant that the soldiers should have the opportunity to vote. But it has been stated here and before the committee that it is entirely possible that, even under the plan proposed by the able senior Senator from Rhode Island and the able Senior Senator from Illinois in their bill, some soldiers may not be reached by the ballots proposed under the provisions of the pending bill. We are told that the authorities will do the best they can under the provisions of the pending bill to see that the ballots reach the soldiers, but that it is entirely possible that many soldiers will not vote, even under the plan proposed by the pending measure.

Mr. GREEN. That is very true. The point is to determine under which of the plans most of the soldiers probably would have an opportunity to vote. The overwhelming evidence from those who know

best about the matter, those who have made a study of it, those who have had experience with it once before, is that under a plan such as that proposed in the pending bill the soldiers would have much more likelihood of voting than they would have under the other plan, under which they would have very little opportunity to vote.

Mr. KILGORE. Mr. President, will the Senator yield?

Mr. GREEN. I previously promised to yield to the Senator from Utah. Therefore, I yield now to him.

Mr. MURDOCK. Mr. President, I desire to make a statement with respect to what has been said by the Senator from Rhode Island and the Senator from Louisiana with respect to the powers of local election judges in passing on the validity of the ballots. It is true that under sections 1 and 2 of Public Law 712 Congress has in a sense said that when the Federal Government places the uniform of his country on a soldier and sends him abroad or sends him out of his native State, and thereby precludes him from having an opportunity to vote, the fact that he wears the uniform of an American soldier is a sufficient registration to enable him to vote, so far as the Congress of the United States has anything to say about the matter. We also say, in section 2, that if the soldier wears the uniform of the United States, and if he is on one of the battlefields somewhere in the world, fighting to preserve this Government, the prerequisite of paying a poll tax in order to cast a valid vote in a State which requires its payment shall not be effective. That is in substance what sections 1 and 2 of Public Law 712 do.

As I understand the positions of the distinguished senior Senator from Rhode Island, and the coauthor of the bill, the distinguished senior Senator from Illinois, it is their purpose, insofar as it can be accomplished by Federal law enacted by the Congress, to eliminate every existing barrier which would prevent the soldiers of this country from voting.

Mr. GREEN. That is correct.

Mr. MURDOCK. That being true, if and when Congress passes the pending bill, it would say to the soldiers that, insofar as it is within the power of Congress to do so, Congress has eliminated the barriers which might preclude their voting in the next general election.

Then, in section 14 of the pending bill, under the heading "Validity of ballots," we say to the States and to the election judges in the voting precincts, "You are the sole judges of the validity of these ballots."

So, if the local election judges, who are made the sole and ultimate judges of the validity of the ballots, according to the provisions of the bill, say to the soldiers of the United States, "Because you have not registered, your vote will not be counted," or "Because you have not paid your poll tax, your vote will not be counted," we, as the Congress, will have said to the States and to the local judges, "If you want to take that responsibility you may do so under this act."

Mr. GREEN. That is very true. Thus, in the various measures which the legis-

latures of the States might pass, there would be provision for penalties against local officials or others who did not comply with the Federal law.

Mr. MURDOCK. If the Senator will yield to me further, let me say that the able junior Senator from West Virginia asked the Senator from Rhode Island what would be the judgment of a local judge of elections. Has a Senator of the United States the power to guess what a local election judge would do? All we can say in the bill is that the responsibility for invalidating a ballot cast under the law will rest upon the shoulders of the local judge.

Then the Congress will have done all within its power to remove these barriers; and the responsibility of validating the ballots, once the bill is passed, will rest where it should rest—with the local election judges.

Mr. President, if the Senator will yield to me a little longer, let me point out that I do not see how the most ardent advocate of States' rights can find any fault with the bill, when he reads it and finds that the ultimate responsibility for invalidating a ballot still will rest where it should rest, and where it now rests under the laws of every State—on the judgment and in the discretion of the local election judges. The pending bill would not change those laws even by the crossing of a "t" or the dotting of an "i." They would still remain as they are.

Mr. GREEN. I thank the Senator from Utah for his clear exposition of the subject. I would only add the further thought that if the bill provided for penalties, if it undertook to keep the local, State, or district officials up to their duty, there would be even more criticism of the bill than there now is. In view of past experience, I expected that the bill would be criticized both for what it has in it and for what it does not have in it. If the bill were changed around, vice versa, it still would be criticized. There are some who, because the bill cannot be made perfect, want to emasculate it, rather than to have anything at all constructive passed.

Mr. KILGORE and Mr. REVERCOMB addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield, and, if so, to whom?

Mr. GREEN. I have already yielded once to the junior Senator from West Virginia [Mr. REVERCOMB], so I think I should yield now to his colleague.

Mr. KILGORE. Mr. President, I simply wish to ask the Senator from Rhode Island if it is not a correct interpretation of the bill to say that it would pass on that responsibility to the States, and would say to them, "You should make it possible for the soldiers to vote. If the regular mail does not catch up with individual soldiers, we will provide them with an opportunity to cast their ballots. We are correcting the mistake we made a short time ago, when we said to the individual States, 'It is your job to provide a way by which these men can vote. We pass on to you the responsibility for making that provision.'"

In other words, we would give back to the soldier the right of which we deprived

him when we sent him away from home to a place where he could not register for voting. So far as the election for Federal officials is concerned, we would give to the local election boards the responsibility of determining, under State law, the validity of the ballots.

Mr. GREEN. The statement the senior Senator from West Virginia has made is very clear and accurate.

Mr. President, I desire to present the thought that in various titles of the bill provision is made for two methods of voting: One, by a Federal ballot limited, naturally, to voting for Federal officers; the other, by a State ballot which would apply to the election of State officials. The preference throughout is given to the State ballots; but there would be a great many States, I am afraid, with respect to which the State ballots would not be effective. Even if the law is adequate, the physical difficulties are very great. I think the Senator from Illinois, the coauthor of the bill, brought out that point very clearly when he used as an illustration the situation in Illinois. In the State of Illinois there are 102 different ballots.

Since we do not know where a serviceman from one of those balloting districts may be located, a ballot for him will have to be sent to every place in the world where there are any soldiers at all. Otherwise he may not have an opportunity to use the ballot. If we multiply the number of States by the number of districts in the States, and if we multiply again, as we shall have to, by the number of ballots, the total becomes astronomical. Under the law billions of ballots would theoretically be necessary. We cannot guess where the men in the armed forces are going to be, so we shall have to provide a ballot for every district in the United States, of which, as I recall, there are some 7,000. We shall have to supply 7,000 different ballots, and enough of each ballot for all the men in the service wherever they may be.

Mr. REVERCOMB. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Rhode Island yield to the Senator from West Virginia?

Mr. GREEN. I yield.

Mr. REVERCOMB. In connection with the time element in getting the ballots to the soldiers abroad, I have before me the testimony given before the committee presided over by the able Senator. I find that to transport a ballot by air mail both ways from a central point in the United States, say Springfield, Ill., to various points where our soldiers and sailors may be, requires the following times: To north Africa, 22 days; to Europe, 37 days; to the Pacific, 43 days; and to the Far East, 52 days. In other words, that is the limit of time necessary to transport that ballot two ways by air mail.

Mr. GREEN. I do not think that is the limit of time. That is the quickest possible time, which is very different.

Mr. REVERCOMB. I do not so understand.

Mr. GREEN. I think that time allowance provides for the actual transmis-

sion and allows 2 days at each end of the transmission. I believe the Senator will find that the testimony so shows.

Mr. REVERCOMB. I made the statement that the various times which I have indicated are for transmission by air mail. That statement has been questioned. It is said that that does not contemplate transportation by air mail. Does the Senator recall what kind of transportation is contemplated by the figures which I have given?

Mr. GREEN. I did not comment on the kind of transportation. The Senator said that those figures represented the limit of time. I said that they represented the quickest possible time, and not the slowest time.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. GREEN. I will ask the Senator to take his turn.

Mr. TAFT. That includes the time from the time the ballot starts until it gets to the secretary of state.

Mr. GREEN. Mr. President, I have not yielded to the Senator from Ohio.

Mr. REVERCOMB. I desire to check the record in that connection, because it has been called to my attention that the figures which I have given do not represent air-mail transportation, but other kinds of transportation.

Mr. GREEN. That is correct.

Mr. REVERCOMB. Air-mail transportation would be very much quicker.

I should like to make a further statement with respect to the subject which the Senator and I discussed a few moments ago. I believe it has been stated, or rather inferred, by the Senator from Utah, that it is not incumbent upon Congress to enact laws dealing with what a State may or may not do. However, it is certainly incumbent on us, and it is a duty which we owe to every citizen, and particularly to the men in the armed forces, not to enact a law which would be futile, or would work a great wrong by holding out to a member of the armed service a ballot and saying to him, "You may cast your vote," and then saying, in the same law, that it may be taken back home, where he would want to vote, and thrown out by the local election board under the authority of this law. If we are to give him the vote—and it should be given if we can protect it—at the same time we give it to him there are two things which we ought to protect. The first is the right to express his own choice without interference. The ballot ought to go to him, and into the hands of no one else. Secondly, the ballot ought to be counted. No one ought to have the right to throw it aside.

Mr. GREEN. I do not think it makes any difference how many hands it passes through before it is marked. It is very important that it should not be tampered with after it is marked. Every precaution is taken in the bill to see that from the time the man marks it in secret and seals it in the envelope, it is not opened, and that there is no opportunity to tamper with it until it is counted on election day with other ballots which are cast.

Mr. REVERCOMB. This bill would involve the soldier to cast his vote, and put

a ballot in his hands. We should do that without saying to him, "You should not vote unless you are qualified to vote under the laws of the State of your residence." It is proposed to say to him, "Go ahead and cast your vote; but when it gets back home, Congress has authorized the State or local election boards to throw it out." It is proposed to say to the local election boards, "It is up to you to count this vote or not to count it." Would not such a law invite millions of contests all over the country?

Mr. GREEN. Congress says nothing of the kind. Congress does not say to the local officials, "You may count this vote or not, as you like." Congress leaves to the local officials the decision as to whether or not it can legally be counted. If it is legally cast, it ought to be counted. If it is not legally cast, it should not be counted. Congress expects the local officials to count the ballots, and expects the States to see that the laws are enforced; but it is not the business of Congress to see that State laws are enforced.

Mr. REVERCOMB. Congress would leave it to the States to enforce the laws; but Senators are not willing to entrust to the States the issuance of the ballots directly to the soldiers.

Mr. GREEN. If there is cooperation from the States, the ballots will be counted. If there is not cooperation, we cannot expect any of such laws to work unless we send in armed forces to compel the State authorities to count the ballots. So far as I know, no one is proposing to do that. I do not propose it. I believe the States will cooperate, and will see that the ballots are counted.

Mr. REVERCOMB. The able Senator will recall the language of the bill. It leaves it up to the precinct, county, or district voting board to rule on whether or not a ballot which is brought there to be placed in the ballot box shall be counted.

Under the present law, sections 1 and 2 of which would remain intact if the pending bill were enacted, one need not register in order to vote. I believe that almost every State in the Union requires a voter to be registered. We knew that when we enacted the law. In the bill we say that the local election board shall pass upon the validity of the ballots, knowing, when we vote for the bill—if we do vote for it—that the election officers, under the laws of their own State, must throw a ballot out if a voter is not registered. Does the Senator think that is fair to the members of the armed forces?

Mr. GREEN. I think the provision is a proper provision; but if the Senator does not think so he may offer an amendment to give this authority to the war ballot commission rather than to the local officials.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. BARKLEY. A little while ago I stated what we were seeking to do in the enactment of the proposed law. The Government of the United States has taken these men beyond the jurisdiction of any election board within a State, and beyond their own ability to register as a

qualification or regulation. Whether registration be regarded as a fundamental qualification or a mere regulation is not material. We undertake to cure that defect and to bridge that gap by saying that, so far as voting for President, Vice President, and Members of Congress is concerned, that requirement is to be waived. The members of the armed forces may vote without registering. We do not attempt to say that they may do so in State or local elections, because we do not assume any jurisdiction over such elections. At least up to the present time we have not done so.

In addition to registration there are many regulations, qualifications, or requirements under State laws, which may affect a man's vote. There are many such requirements or regulations even in States which do not have a poll tax. There are many details which may cause a local election board or precinct officers to throw out a ballot. If it is improperly marked, for example, or if it is marked in two places, or in such a way that the intent of the voter is not evident, it may be thrown out. The question may arise as to whether the voter has removed from one precinct to another, or whether he has resided in the State for the length of time required by law. There are many such regulations.

So far as voting in Federal elections is concerned, last year we enacted a law waiving the requirement of registration, simply because we have made it impossible for members of the armed services to register. That law ought not to be nullified by anything we do in connection with the pending bill.

The same observations apply to the requirement for payment of a poll tax. I do not wish to enter into a discussion of the merits of that question; but we have nullified the ability of members of the armed forces to qualify under that requirement in any State in which payment of a poll tax is required.

If by this bill, or any amendment to it, we say that notwithstanding last year we agreed to waive these two requirements in Federal elections, and we are now going to take it back and say that we are not going to waive them, and if some local election officer of a precinct should decide that the law which we pass is unconstitutional and therefore he will not count the ballot, I doubt very much if we have done the soldier any good in the way of allowing him to vote. That is what it would amount to. There are many things which this language may mean. It might leave to the local precinct officer the right to determine the validity of a vote. But I doubt very seriously if we should leave to the precinct officer in Lang's precinct in McCracken County, where I vote, the right to say whether an act of Congress is constitutional, and deny the soldier who returned his ballot to the precinct the right to cast his vote. I do not understand that the amendments contemplate that a local election officer shall have the right to pass upon the question of the validity of an act of Congress. If that is what they mean I shall vote against them. I do not think we ought to hold out hope to the

soldier in one hand and by the other hand take it away from him.

Mr. GREEN. Mr. President, I should like to make an additional comment on the clear remarks of the able Senator from Kentucky.

The powers to which reference has been made would be definitely taken away from the commission. Because of the criticism on the floor of the Senate that the commission would be a political body—though I do not see how it could be—we wanted to make it purely administrative in dealing with the ballots. It would have nothing to do with passing upon the validity of the ballots. The determination of validity has to be vested in some authority somewhere. If we take it away from the ballot commission, the proper place to put it is with those who count the ballots. However, if Senators think that it should be placed elsewhere, I do not know where they would prefer to have it placed. As I said earlier to one of the Members, if it is the wish to amend the bill so as to take the determination away from the local State officials and place it again with the ballot commission, I shall make no protest.

Mr. CONNALLY. Mr. President, if the Senator wishes to amend his bill, some of the rest of us will amend it also.

Mr. GREEN. I do not favor such action.

Mr. CONNALLY. The Senator is co-sponsor of the bill. He had better stick by it.

Mr. GREEN. I should prefer to see the bill passed in its present form. It has been worked on for a long period of time. If we change it in one place we might necessarily change the theory on which the bill is based. I reiterate—and I cannot do it too often—that this bill merely seeks to change the machinery of casting the ballots. It has nothing to do with sections 1 and 2 of the present law, which are left intact. In other words, if Senators believe that the machinery provided by this bill will result in giving the ballot to more soldiers and sailors than would result under the old law, it seems to me that they should favor the bill. If, however, for some reason which I cannot understand, they believe the old law is better in that respect, then they should vote against the bill. Does this bill provide to more soldiers the opportunity to vote than does the existing law? That is the issue before the Senate.

Mr. BROOKS and Mr. TAFT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield, and if so to whom?

Mr. GREEN. I yield first to the Senator from Illinois.

Mr. BROOKS. Mr. President, I should like to have the Senator comment on this situation: Very recently Illinois convened a special session of its legislature. It amended the law so that the 800,000 soldiers, sailors, marines, and other members of the armed services, citizens of Illinois, will be given at least a greater opportunity to vote for State candidates, as well as for Federal candidates, than they would have had under the old law.

A question which arose in the minds of some members of the Illinois Legislature pertained to the subject of the postage to be used by the county clerks in sending out approximately 800,000 ballots should they be requested. In reading section 204 on page 44 of the pending bill I find the following language:

The Secretaries of War and Navy shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate delivery and return of absentee ballots mailed to members of the armed forces pursuant to the laws of the several States.

Then on page 45, in subsection (c) the language reads as follows:

The transmission of all communications under titles I and II shall be free of postage, including air-mail postage, in United States mails.

I wonder if that provision would cover a State ballot sent out by a county clerk in response to a request from an individual soldier if the soldier did not use the post-card which is mentioned in the bill. Will the Senator give me his interpretation of the language to which I have referred?

Mr. GREEN. I think it would cover postage on any communication which was sent officially.

Mr. BROOKS. Any communication sent officially. In other words, the county clerks should perhaps have the right—and maybe we should provide for it either by a separate bill or by an amendment to the pending bill—to mark the envelope, as shown by the example on page 43 of the bill, "Free of postage, including air mail (war ballot)." Would not an amendment of that nature to the bill be a wise one?

Mr. GREEN. I do not believe it is necessary. I think the situation is already covered. If we start to enumerate, we will find many different things to enumerate. I think that the situation to which the Senator refers is clearly covered by the language in subsection (c), on page 45 of the bill, which reads:

The transmission of all communications under titles I and II shall be free of postage, including air-mail postage, in the United States mails.

The Senator read the section and observed that the word "communications" is specifically stated.

Mr. BROOKS. Then, in the Senator's judgment, any mark on the envelope containing a ballot being sent to a soldier showing that it was from an official would be sufficient.

Mr. GREEN. I think so, if it is sent in his official capacity.

Mr. BROOKS. I imagine that it should be marked "War ballot," or something of that kind. Would the Senator object to an amendment specifically covering that point?

Mr. GREEN. The trouble is that in mentioning one specific case we are apt by implication to exclude other similar cases.

Mr. BROOKS. I do not think this would be in merely one case. It could cover all county clerks or officials all over the United States.

Mr. GREEN. In some States the official who would handle the ballots would not be the county clerk.

Mr. BROOKS. I am referring to the proper official who would mark the ballots "Official war ballots."

Mr. GREEN. I am in sympathy with the object of the Senator from Illinois, and I should be glad to see any amendment which the Senator cares to offer.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. TAFT. Does the Senator have any precedents or any case in which ballots have been used in this country without the names of the candidates being printed upon them?

Mr. GREEN. No; but in almost all cases the voter has the power to write in the names of candidates.

Mr. TAFT. I know that he has the power to write in the names of candidates. However, they are seldom elected.

Mr. GREEN. There is no way to provide for it, because in most cases they do not know who the candidates are.

Mr. TAFT. So we are actually proposing to give power to vote to persons who do not know who the candidates are.

Mr. GREEN. That is correct.

Mr. TAFT. We are being asked to give ballots to persons to vote merely by writing in "Democrat" or "Republican" without knowing who the candidate is, and when the candidate actually might be a thief, or someone who had been in jail, and we would have no means of finding out about it.

Mr. GREEN. Yes; or he might even be in the Senate.

Mr. TAFT. He might even be in the Senate. Is it not unique under our system of democratic government to propose a ballot on which no names are printed, and as to which there is no assurance that the voter has ever heard of the persons who are actually running for office?

Mr. GREEN. Well, the candidate probably is in many cases better off if the voter has not heard of him.

Mr. TAFT. Mr. President, the Senator is attempting to be facetious, but it seems to me that to talk about giving the soldier the kind of ballot proposed in the pending bill would not be giving him the right to vote at all.

Mr. GREEN. Perhaps the Senator from Ohio would prefer to defer the marking of the ballots at Guadalcanal until 10 days before election, because in many States the candidates would not be known until then.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. VANDENBERG. I notice that the official Federal war ballot provided on page 29 of the bill provides for writing in the name of the voter's political party, "Democratic, Republican, Progressive, or other." If any minor party is to be identified textually, should not all the other minor parties be identified?

Mr. GREEN. To be frank, the reason for the provision was that all parties represented in the Senate were included.

Mr. VANDENBERG. Speaking quite seriously, I should think it might result in some miscarriage of a soldier's ballot, because there could be a Progressive ballot in only one State.

Mr. GREEN. That is true, but if we started to include all the parties which claim the right to appear on any ballot throughout the country, we would have quite a long list.

Mr. VANDENBERG. I agree.

Mr. GREEN. If we omitted any party represented in the Senate, we would also be criticized.

Mr. VANDENBERG. There is no Senatorial election in Wisconsin this year, is there?

Mr. GREEN. The bill is to cover not only this war; this is to apply during any war. It may be good for the next war, though I do not like to contemplate the possibility of there being another.

Mr. VANDENBERG. That would be away up in the sixth or seventh or eighth term. [Laughter.]

Mr. GREEN. I hope it will be as far off as that.

Mr. MILLIKIN. Mr. President, will the Senator from Rhode Island yield?

Mr. GREEN. I yield.

Mr. MILLIKIN. I did not quite catch the Senator's answer to what struck me as a very important question posed by the distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY]. His question was, if I understood it correctly, whether a precinct election judge would have the right to throw out one of the Federal ballots; and I did not catch the Senator's answer.

Mr. GREEN. If the Senator will refer to the bill, page 39, section 14, he will find the answer. I explained why that provision was inserted. We start with the negative because so much criticism was made of the War Ballot Commission having power to investigate the propriety of ballots being thrown out or counted. The bill provides:

The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this title; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States. Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

I added, in my comment, that I hoped that the various States would pass the necessary enabling legislation and provide the necessary penalties for breach of observance of its provisions.

Mr. MILLIKIN. I had understood the distinguished majority leader to observe that he could not be for the bill if it empowered an election judge of his precinct in Kentucky to throw out a ballot of the kind provided for.

Mr. BARKLEY. What I said was that I would not vote for any amendment to the bill. I am for the bill as it has been written; I am studying the amendments which are now pending. I did not mean, by my comment, to include the bill as it is.

Mr. MILLIKIN. Under the bill as it is, would a precinct election official have the right to toss out a ballot if he thought it were invalid?

Mr. GREEN. I do not concede the moral right.

Mr. LUCAS. Will the Senator from Rhode Island yield?

Mr. GREEN. I yield.

Mr. LUCAS. I do not concede that the election precinct official would have the right, upon his own initiative, to toss out a ballot. I undertake to say that the ballot provided for will be in the same category with any other absentee ballot, and if someone in an election precinct challenges one of these ballots, just as any other ballot is challenged, it would be necessary for someone to make out a case for him, with an affidavit. Merely for an election-precinct official to say the ballot is illegal because it is a Federal ballot, and in his opinion is unconstitutional, would be beyond his power, in my opinion. In other words, we definitely say in this section that—

Votes cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

Mr. MILLIKIN. Let us make a specific case out of it, if the Senator does not mind. My State has a law which prohibits voters from voting by party. We have to vote for persons in Colorado. Assuming one of the ballots came into X precinct, and the soldier had voted by party instead of by person, as we are required to vote in Colorado, and suppose someone challenged the vote, the election judge, I assume, under the answers which have been given, would toss out the ballot.

Mr. GREEN. He would not, as I assumed in a previous discussion during the debate, if the attorney general instructed him that the Federal law was to be obeyed, wherever it abrogated the State law.

Mr. MILLIKIN. The Attorney General of the United States?

Mr. GREEN. No; the attorney general of the State.

Mr. MILLIKIN. Of course, the opinion of the attorney general of a State is an opinion, it is not the law of the State.

Mr. GREEN. No; but I think any official who was guided by it and acted accordingly would probably be exempt from any penalty.

Mr. MILLIKIN. Furthermore, there is no compulsion on the attorney general of any State to give an opinion.

Mr. GREEN. No; that is left to the States. States' rights are recognized.

Mr. MILLIKIN. Then I understand the Senator's answer to be that in a case such as the one I have suggested, if a challenge were made at the precinct, the election judge could refuse to count the vote, and that would be subjected to our whole contest procedure, if someone wanted to contest it?

Mr. GREEN. Certainly.

Mr. LUCAS. Will the Senator from Rhode Island yield?

Mr. GREEN. I yield.

Mr. LUCAS. I think the Senator is correct in the event the challenge is made and is not overcome—

Mr. MILLIKIN. Yes.

Mr. LUCAS. By a proper affidavit, as could be done in the election precinct under the election laws, for instance, of my own State. But if a challenge is made in a local election precinct of one of these uniform election ballots, and the challenge is sustained by the local election officials, then the ballot will not be counted, and it would be a question later on for the courts to determine whether or not the ballot was legal.

Mr. MILLIKIN. And is it not true that, by that process, extending that sort of challenge and contest all over the United States, there might be built up an aggregate contest that might throw the election in doubt?

Mr. LUCAS. The Senator is now speculating.

Mr. MILLIKIN. Of course.

Mr. LUCAS. I wish to make this statement very emphatically with respect to speculation as to what is going to happen in this precinct or that precinct throughout the United States, I am more interested for the moment in giving the franchise to the soldiers than I am in speculating as to what is going to happen in the future. I think the important thing for the Senate to consider now is whether or not we are to give the right of franchise to the soldier, to be exercised in a uniform Federal ballot wherever he may be training or fighting.

I am not worrying now about what is going to happen in the precincts in my State. I do not know anything about the Senator's State, but I undertake to say that if the election officials in my State refused to count a soldier's ballot, but counted the ballot of some fellow at home, there would be a riot in my community that night; and I will guarantee it, if I am there.

Mr. MILLIKIN. If I may say so, I am interested in not having riots in connection with our elections. I am interested in having certainty in the results in connection with them. I am interested in having the soldiers vote. In my State, on the 27th of this month, we are to have a special meeting of the legislature to give them the right to vote. So in my State the question as to whether we are or not in favor of the soldier voting does not arise. We are all in favor of his voting, and we are going to give him the means of voting.

Mr. LUCAS. I congratulate the Senator upon that, and if they follow through with what the Senator is suggesting, then the query he propounded in first stating the hypothetical case he submitted will be out the window, because no doubt the legislature is going to meet for that purpose along with others.

Mr. MILLIKIN. It is entirely possible that some Federal ballots might come in on the basis here proposed, and some of our State absentee ballots might not come in, so there would be a dual system of law to enforce, that set up by the special session of the legislature, and that set up by the Congress, and every election judge would have the problem of

deciding how to administer the dual system of law.

Mr. LUCAS. I am satisfied, from what the Senator has said, that the people of his State are just as patriotic as those of any other section of the Nation—

Mr. MILLIKIN. That goes without saying.

Mr. LUCAS. And desire to do the very thing we are discussing, that is, ultimately to put the local State machinery in such shape that the soldiers can vote, and that the local election officials will count the votes.

I feel so keenly about this thing that I am not willing to speculate on a lot of intangibles that may happen in the future with respect to this matter. I do not know about them; but I do know that we are close to the brink of saying here in the Congress of the United States that we are not going to give the soldiers the right to vote, and if we pass a law other than what is before us, that objective will be accomplished. We cannot leave the matter to the States. Such action would be absolutely negative; it would be meaningless. I insist with all the sincerity I possess that unless we do something to give the servicemen the opportunity to vote, in view of what has transpired here in the last 60 days, we are literally going to shatter the morale of the men who are fighting the war, and I say that we may thereby extend the war as a result. That is how far I am willing to go. I have never been so serious with respect to a proposition in my life as I am with respect to this representative piece of legislation which goes to the very grass roots of democracy.

Mr. MILLIKIN. The Senator, if he will yield, has given his own legislation a good certificate of character. He has proscribed me in my speculations, but indulges in the rankest speculations himself. He is speculating on riots, he is speculating on morale and that its destruction may lose us the war. His whole mind on the subject is in a ferment of speculation, and I do not begrudge him the right to speculate. I hope he will not begrudge me the right to speculate.

Mr. LUCAS. No; but the Senator has a different basis for his speculation. He is speculating on two things for the moment. He is speculating on whether or not he is going to vote for the bill, and he is using the speculation of the future with respect to whether or not the votes are going to be counted in attempting to justify his position. He is attempting to tell the people of this country that there are going to be many contests and there is going to be a great deal of turmoil and chaos throughout the land. It is possible that what the Senator says is true. I will not say that there will not be a number of contests. There are contests all over the country at all times over this election or that. But what I am saying is that the immediate question we have to decide is whether or not we are going to make it possible, by proper legislation, for the service men and women to vote.

Mr. MILLIKIN. Well, that, in relation to this bill, might be the purest type of speculation.

Mr. LUCAS. The Senator may call it pure if he wants to. I have another name for it.

Mr. BARKLEY. Mr. President, I should like to speculate about when the Senate can quit for the day.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. TYDINGS. I was going to say that I believe the point made by the Senator from Colorado, namely, that the Federal ballots do not contain party voting privileges, might be considered. I have no desire to attack the bill. I think it is a greatly improved bill, but I do present this thought: In the State of Maryland, for example, one cannot run in two primaries at the same time, as can be done in other States. One must run as a Democrat, or as a Republican, or a Socialist. There is no way by which one can run on more than one party ticket, even though everyone were satisfied to have it done. Our laws further provide, and it has been settled policy in the State, that a blanket ballot cannot be voted, that is, that a party ballot cannot be voted. Each block must be voted separately. If an individual desires to vote all Democratic, well and good.

I am simply suggesting to the authors of the bill, in the best of spirit, that it may be that the law in my State, as in Colorado, for example, will not be changed, and it certainly would be too bad to pass a Federal law which for any reason might bear the stigma of not being legal, even though the charge were not sustained. I suggest to the two authors of the bill that the more we can do to eliminate every chance of a charge of illegality, the more service we will render to the soldiers who are going to cast the ballots. The more we leave the question of legality in doubt, the greater harm there will be, because riots might occur, and all kinds of charges might be made.

I therefore respectfully suggest to the authors of the bill—and I do not ask them for any decision tonight—that I do not believe their position would be at all weakened if the provisions for party voting were eliminated from the bill. Certainly the individual could still vote on the party plane if he wanted to, or he could split his ticket if he wanted to. If that were to happen in the State of Maryland, under the present law, the only votes that would be counted would be those cast for President and Vice President. There would be no count of the votes for Senator and Members of the House. Perhaps the legislature will change the law. I do not know about that. But why not pass a law in such a fashion as to conform, wherever we can, with the laws of the States themselves? I simply submit that thought to the two authors of the bill in order that they may reflect upon it, and see if they cannot arrive at some conclusion.

Mr. GREEN. I may say a word or two in answer to the Senator from Maryland. That question was very carefully considered before the provision for party voting was adopted. The reason for adopt-

ing the provision is that it will prove absolutely impossible, in view of the laws of the different States, to inform a great many of the soldiers in distant quarters of the world who the candidates are. It would be better if they knew who the candidates were. But if they cannot find out, a provision is made whereby as soon as candidates are nominated the information is sent to the war ballot commission, and the ballot commission sends it overseas as quickly as possible, and it is posted in the camps. Of course, the men would rather know who the candidates are, but if they did not know, they would rather vote for their party than not vote at all.

I cannot accept the suggestion of the Senator from Maryland that where there is a conflict between laws of the United States and the laws of Maryland there should be any doubt as to which would prevail.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. BREWSTER. I wonder if the Senator has given consideration to the situation in the State of Maine, where we elect our Representatives in September. Will the bill cover that situation?

Mr. GREEN. I do not understand to what situation the Senator refers.

Mr. BREWSTER. We have an election in September for our Representatives in Congress, but not for President. The President is voted for in November. Is the election in September for Representatives in the State of Maine provided for in the bill?

Mr. GREEN. It is contemplated that the blank ballots will be sent overseas a couple of months before the election.

Mr. BREWSTER. That will not be early enough.

Mr. GREEN. The ballots could be sent 3 months before the election is held, I suppose. The Senator does not think the State of Maine would change the election date and thus cease to be the barometer of the Nation, does he?

Mr. BREWSTER. I do not think we would want to disappoint the Senator by casting down his hopes. We are, however, really faced with a dilemma. In Maine we vote for President in November, and for Representatives in Congress in September. Under the terms of the bill, as I understand, the men overseas—and we have a good many of them—could not split their ballots.

Mr. GREEN. I am afraid then the special election might be in the category of the primaries held in the South.

Mr. BREWSTER. It is not a special election. It is a general election which we have held from time immemorial. The rest of the country has changed, but Maine remains the same as always. We hold our election in September.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. BARKLEY. Of course, it would be possible for a ballot simply containing the names of the men who are candidates for Representatives to be sent to the soldiers, and to let them vote that ballot in September. They would probably be entitled to another ballot con-

taining the names of the candidates for President and Senator. Does Maine vote for Senator in November or September?

Mr. BREWSTER. No vote will be had for Senator this year. This year we vote for candidates for the House in September.

Mr. BARKLEY. There are two separate elections held practically 2 months apart. It seems to me there would be no difficulty in getting a ballot to the soldiers containing the names of the candidates to be voted for in Maine in September, and a ballot to be voted in November.

Mr. BREWSTER. The bill as now drawn certainly would not contemplate such a situation.

Mr. GREEN. No; it contemplates the shipment of one kind of ballot for one election.

Mr. BREWSTER. Mr. President, would the Senator or whoever assisted him in drafting the measure give consideration to whether it could be made possible for servicemen from Maine to participate in the election, without regard to how they might vote?

Mr. GREEN. Let me ask the Senator to give consideration to having the State of Maine change the date of its election, so as to have it in accord with the dates of election in the other 47 States. If we desire to have uniformity with respect to the election, that would be a good example.

Mr. BREWSTER. In the first place, Mr. President, we would have to have a meeting of the State legislature and would have to persuade the citizens of Maine that such a provision was wise. In Maine we do have the situation that the weather becomes somewhat inclement in November. I think that is one of the reasons, aside from our being a barometer State, for our having the election in September.

Mr. BARKLEY. The snow is just as deep in November, whether one is voting for President or a Member of Congress.

Mr. TYDINGS. And the snow falls alike on the just and the unjust.

Mr. BREWSTER. That situation occurs only once in 4 years, and then we dig them out. But I am sure the Senator does not mean to imply that he would bring pressure of that kind, that in order for the people of Maine to enable their soldiers to vote they must change the date of the Maine election.

Mr. GREEN. I was merely asking the question.

Mr. BREWSTER. I am quite sure what the Senator suggests is not practicable. Regardless of whether an appropriate amendment were offered providing that Members of Congress, who are recognized as Federal officials, might be voted for, under our law I think we could almost qualify if we could have the ballots transmitted and if a 30-day provision were made.

Mr. GREEN. There is a provision under which everything will be done that can be done to cooperate in getting the ballots there.

Mr. BREWSTER. Yes; if we could get the postal cards—personally, I thought that was the happiest solution—to the

troops by the 1st of July, so that they could get back here in time, that would take care of the matter. Under the mailing arrangements with which I am familiar, because I have a boy in the service, I think we could get the ballots over and back in time.

Mr. GREEN. I think it should be possible to do so by July, unless a threatened filibuster takes place.

Mr. BREWSTER. Would the Senator consider an amendment which would bring the soldier voters from Maine within the purview of the Federal ballot law?

Mr. GREEN. I doubt very much whether that would be feasible. Inquiry would have to be made all over the world, because no one knows where the Maine boys are. Probably they are scattered all over the world.

Mr. BREWSTER. Yes; they are.

Mr. GREEN. Provision would have to be made for a separate ballot. If the ballots came back from various places all over the world, the ballots cast by Maine soldiers would have to be sorted and distributed later.

Mr. BREWSTER. Would the Senator say that under the provisions of the pending bill the Maine soldiers would not be able to take advantage of that provision?

Mr. GREEN. The Senator has said that in Maine there will not be an election for Senator this year; is that correct?

Mr. BREWSTER. That is correct.

Mr. GREEN. I think we could make special effort to see that the Maine soldiers received their ballots in time to be able to return them in time.

Mr. BREWSTER. I do not think they could be counted, because ballots returned in September would not be eligible to be counted in the November election.

Mr. GREEN. Oh, no; there would have to be separate ballots.

Mr. BREWSTER. So the Maine soldiers would either lose their vote in September or their vote in November.

Mr. GREEN. I am afraid the Senator misunderstood me. I meant one ballot would be the ballot for President and Vice President and the other would be the ballot for State representatives.

Mr. BREWSTER. I am sure the Senator recognizes the right to vote for Federal officials, with respect to the vote for whom, as I understand the matter, we are to vote in connection with the pending bill.

Mr. GREEN. That is correct; but there is the choice of voting by State ballot or by Federal ballot. In this case it seems to me the Maine soldiers could well choose the State ballot.

Mr. BREWSTER. They would if they could get it.

Mr. GREEN. That is the trouble. The Army and Navy will facilitate the shipment of the ballots.

Mr. BREWSTER. Would they be given the same right-of-way as the right-of-way given the Federal ballots?

Mr. GREEN. I do not know; I should have to take up that matter with the Departments.

Mr. BREWSTER. Will the Senator state the position of the Departments?

Mr. GREEN. They said it was impracticable to do so for all the States. Whether they would be able to do so for Maine, inasmuch as Maine stands in a unique position in this respect, I do not know.

Mr. BREWSTER. I think we should not give the country the impression, on account of any of the considerations the Senator has suggested here today, that Maine is being discriminated against.

Mr. GREEN. Apparently the Nation already has discriminated against Maine, 47 of the States having abandoned the Maine custom of having two elections.

Mr. BREWSTER. They still permit us to vote; they have done so up until the present. This is the first time in 12 years that it has been proposed that the people of Maine—particularly the Maine soldiers—should not have the same opportunity to vote that the people of other States have. I am sure that upon further examination the Senator will not want to have such a suggestion go forth.

Mr. GREEN. I want the Maine soldiers to vote, regardless of whether they vote right.

Mr. BREWSTER. Yes; I am sure that is so. I hope the Senator will give consideration—that is why I brought up the matter so late in the day—to whether some appropriate provision which would bring the Maine soldiers within the purview of the law may be made.

Mr. GREEN. I will confer with the department heads.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. HATCH, from the Committee on Public Lands and Surveys:

Abe Fortas, of Tennessee, to be Under Secretary of the Interior.

By Mr. MCKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Joseph B. Eastman, of Massachusetts, to be Interstate Commerce Commissioner for the term expiring December 31, 1950.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of John L. Rogers, of Tennessee,

to be Interstate Commerce Commissioner for the term expiring December 31, 1950.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Harry H. Schwartz, of Wyoming, to be member of the National Mediation Board for the term expiring February 1, 1947.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 26 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, January 25, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 24, 1944:

THE JUDICIARY

UNITED STATES JUDGE

ANTHONY J. DIMOND, of Alaska, to be United States district judge for the third division of Alaska, vice Hon. Simon Hellenthal, term expired.

UNITED STATES ATTORNEY

Lynn J. Gemmill, of Alaska, to be United States attorney for the first division of Alaska, vice Hon. William A. Holzheimer, retired.

UNITED STATES MARSHAL

Norris Metzger Thomas, of South Carolina, to be United States marshal for the eastern district of South Carolina, vice William F. Burguson, deceased.

CHIEF JUSTICE, SUPREME COURT OF PUERTO RICO

Martin Travieso, of Puerto Rico, to be chief justice of the Supreme Court of Puerto Rico, vice Emilio del Toro Cuevas, resigned.

DISTRICT COURT OF THE VIRGIN ISLANDS

Herman E. Moore, of Illinois, to be judge of the District Court of the Virgin Islands of the United States. (Judge Moore is now serving in this post under an appointment which expired August 4, 1943.)

UNITED STATES PUBLIC HEALTH SERVICE

The following named officers for promotions in the Regular Corps of the United States Public Health Service:

William S. Hotchkiss, from assistant surgeon to passed assistant surgeon, effective from January 13, 1944.

William H. W. Komp, from senior sanitary engineer to sanitary engineer director, effective from January 21, 1944.

Richard T. Page, from assistant sanitary engineer to passed assistant sanitary engineer, effective from February 21, 1944.

Mark D. Hollis to be temporarily promoted from sanitary engineer to senior sanitary engineer effective from January 1, 1944.

Norman L. Zwickel to be temporarily promoted from assistant dental surgeon to passed assistant dental surgeon, effective from January 1, 1944.

Avery B. Wight to be temporarily promoted from assistant surgeon to passed assistant surgeon, effective from December 1, 1943.

Bryan A. Dawber to be temporarily promoted from passed assistant surgeon to surgeon, effective January 1, 1944.

Byron J. Olson to be temporarily promoted from passed assistant surgeon to surgeon, effective January 1, 1944.

Harold R. Sandstead to be temporarily promoted from passed assistant surgeon to surgeon, effective from January 1, 1944.

IN THE NAVY

Capt. Joseph J. Clark, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 23d day of April 1943.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 24, 1944:

INTERSTATE COMMERCE COMMISSION

TO BE INTERSTATE COMMERCE COMMISSIONERS

Joseph B. Eastman

John L. Rogers

NATIONAL MEDIATION BOARD

TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD

Harry H. Schwartz

POSTMASTERS

LOUISIANA

Willie A. Dearman, Delhi.

Pauline M. Netterville, Newellton.

MASSACHUSETTS

Theresa K. Larkin, Haydenville.

Newell A. Ritchie, North Billerica.

Brantson K. Fuller, South Easton.

Annie W. Baker, South Yarmouth.

MISSISSIPPI

Victor L. Wellesman, Stoneville.

Daniel Clarence Selby, Tinsley.

NEW JERSEY

Reva Hilborn, Clarksboro.

Leon A. Dolan, Ogdensburg.

I. Morgan Lewis, Rocky Hill.

Matilda E. Lyster, Thorofare.

Sara Gertrude Boland, West Berlin.

HOUSE OF REPRESENTATIVES

MONDAY, JANUARY 24, 1944

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Father, to Thee we offer our tributes of praise and gratitude. As life is brief like the evening vapor and the dew on the morning, it is also sacred and full of immortal values. We pray that the hidden forces of our beings may come forth in the urgency of great duties and in the joy of great purposes. As the battle is not to the swift nor to the strong, arm us with that spirit that dares to conquer.